



# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## Vision, Mission, and Goals

California State Board of Education.

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### VISION

All California students of the 21st century will attain the highest level of academic knowledge, applied learning and performance skills to ensure fulfilling personal lives and careers and contribute to civic and economic progress in our diverse and changing democratic society.

### MISSION

Create strong, effective schools that provide a wholesome learning environment through incentives that cause a high standard of student accomplishment as measured by a valid, reliable accountability system.

### GOALS

1. *Standards.* Adopt and support rigorous academic content and performance standards in the four core subjects for kindergarten and grades 1 through 12.
2. *Achievement.* Ensure that all students are performing at grade level or higher, particularly in reading and math, at the end of each school year, recognizing that a small number of exceptional needs students must be expected, challenged, and assisted to achieve at an individually determined and appropriately high level. Advocate for mandatory intervention for every child not at grade level. Do everything possible to ensure that "the job is done right in the first place".
3. *Assessment.* Maintain policies assuring that all students receive the same nationally normed and standards-based assessments, grades 2 through 11, again recognizing that a small number of exceptional needs students must be separately and individually assessed using appropriate alternative means to determine achievement and progress.

Questions: State Board of Education | 916-319-0827

Last Reviewed: Friday, August 26, 2011

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California Department of Education  
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# Bylaws

For the California State Board of Education, Amended July 9, 2003.

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## ARTICLE I

### **Authority**

*The California State Board of Education is established in the Constitution of the State of California and empowered by the Legislature through the California Education Code.*

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## ARTICLE II

### **Powers and Duties**

*The Board establishes policy for the governance of the state's kindergarten through grade twelve public school system as prescribed in the Education Code, and performs other duties consistent with statute.*

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## ARTICLE III

### **Members**

#### **APPOINTMENT**

##### **Section 1.**

*The State Board of Education consists of 11 members who are appointed by the Governor with the advice and consent of two-thirds of the Senate.*

CC, Art. IX, Sec. 7  
EC 33000 and 33000.5

#### **TERM OF OFFICE**

##### **Section 2.**

*(a) The term of office of the members of the Board is four years, except for the student member whose term is one year.*

*(b) Except for the student member, who serves a one-year term, terms expire on January 15 of the fourth year following their commencement. Members, other than the student member, continue to serve until the appointment and qualification of their successors to a maximum of 60 days after the expiration of their terms. If the member is not reappointed and no successor is appointed within that 60-day period, the member may no longer serve and the position is deemed vacant. The term of the student member begins on August 1 and ends on July 31 of the following year.*

*(c) If the Senate refuses to confirm, the person may continue to serve until 60 days have elapsed since the refusal to confirm or until 365 days have elapsed since the person first began performing the duties of the office, whichever occurs first.*

*(d) If the Senate fails to confirm within 365 days after the day the person first began performing the duties of the office, the person may not continue to serve in that office following the end of the 365-day period.*

EC 33001; 33000.5  
GC 1774

#### **VACANCIES**

**Section 3.**

*Any vacancy shall be filled by appointment by the Governor, subject to confirmation by two-thirds of the Senate. The person appointed to fill a vacancy shall hold office only for the balance of the unexpired term.*

EC 33002

**STUDENT MEMBER**

**Section 4.**

*Finalists for the student member position shall be selected and recommended to the Governor as prescribed by law.*

EC 33000.5

**COMPENSATION AND EXPENSES**

**Section 5.**

*Members of the Board shall receive their actual and necessary travel expenses while on official business. Each member shall also receive one hundred dollars (\$100) for each day he or she is acting in an official capacity.*

EC 33006  
GC 11564.5

**CONFLICT OF INTEREST CODE**

**Section 6.**

*Board members shall file statements of economic interest as required by the Fair Political Practices Commission. The terms of a standard Conflict of Interest Code, adopted by the Commission and as may be amended, are incorporated by reference and constitute the Conflict of Interest Code of the Board.*

2 CCR 18730  
5 CCR 18600

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## **ARTICLE IV**

### **Officers and Duties**

#### **PRESIDENT, VICE PRESIDENT**

**Section 1.**

*Officers of the Board shall be a president and a vice president. No member may serve as both president and vice president at the same time.*

**Section 2.**

*(a) The president and vice president shall be elected annually in accordance with the procedures set forth in this section.*

*(b) Prior to the December regular meeting, letters of nomination for the offices of president and vice president for the forthcoming calendar year shall be submitted to the executive director. When a member submits a letter nominating another member for either office, it shall be understood that the member being nominated has been consulted and has agreed to serve if elected. Members interested in serving in either office may nominate themselves.*

*(c) At a time to be set aside for the purpose by the president at the December meeting, the executive director shall indicate the names placed in nomination in accordance with paragraph (b). The president shall then call for other nominations from the floor, including self-nominations, which shall then be in order and shall not require a second.*

*(d) From the names placed in nomination at the December meeting, along with any additional nominations from the floor subject to the conditions set forth in this paragraph, a president and a vice president shall be elected at the beginning of the January*



*regular meeting each year, with the newly elected officers assuming office immediately following the election. No member may nominate himself or herself for the office of president or vice president at the January meeting, and any nomination for such office must be seconded if made at the January meeting.*

*(e) Six votes are necessary to elect an officer, and each officer elected shall serve for one year or until his or her successor is elected.*

*(f) If, in the Board's judgment, no nominee for the office of president or vice president can garner sufficient votes for election to that office at the January meeting, a motion to put the election over to a subsequent meeting is in order.*

*(g) In the event a vacancy occurs in the office of president or vice president during a calendar year, an election shall be held at the next meeting. Any member interested in completing the one-year term of an office that has become vacant may nominate himself or herself, but each nomination requires a second.*

*(h) The State Superintendent of Public Instruction shall preside only during the election proceedings for the office of president and for the conduct of any other business that a majority of the Board members may direct.*

## **EXECUTIVE OFFICER**

### **Section 3.**

*The State Superintendent of Public Instruction shall be secretary and shall act as executive officer of the Board.*

EC 33004

## **DUTIES OF THE PRESIDENT**

### **Section 4.**

*The president shall:*

- *serve as spokesperson for the Board;*
- *represent the position of the Board to the State Superintendent of Public Instruction;*
- *appoint members to serve on committees and as liaisons, as prescribed in these Bylaws, and as may be needed in his or her judgment properly to fulfill the Board's responsibilities;*
- *serve as ex officio voting member of the Screening Committee and any ad hoc committees, either substituting for an appointed member who is not present with no change in an affected committee's quorum requirement, or serving as an additional member with the affected committee's quorum requirement being increased if necessary, provided that in no case shall the service of the president as ex officio voting member increase the total voting membership of a committee to more than five;*
- *preside at all meetings of the Board and follow-up with the assistance of the executive director to see that agreed upon action is implemented;*
- *serve, as necessary, as the Board's liaison to the National Association of State Boards of Education, or designate a member to serve in his or her place;*
- *serve, or appoint a designee to serve, on committees or councils that may be created by statute or official order where required or where, in his or her judgment, proper carrying out of the Board's responsibility demands such service;*
- *determine priorities for expenditure of Board travel funds;*
- *provide direction for the executive director;*
- *direct staff in preparing agendas for Board meetings in consultation with the other members as permitted by law;*
- *keep abreast of local, state, and national issues through direct involvement in various conferences and programs dealing with such issues, and inform Board members of local, state, and national issues;*
- *and participate in selected local, state, and national organizations, which have an impact on public education, and provide to other members, the State Superintendent, and the staff of the Department of Education the information gathered and the opinion and perspective developed as the result of such active personal participation.*

## **DUTIES OF THE VICE PRESIDENT**

### **Section 5.**

*The vice president shall:*

- *preside at Board meetings in the absence of the president;*
- *represent the Board at functions as designated by the president;*
- *and fulfill all duties of the president when he or she is unable to serve.*

## **DUTIES OF COMMITTEE CHAIR**

### **Section 6.**

*The chair of the Screening Committee or any ad hoc committee shall:*

- *preside at meetings of the committee he or she chairs, except that he or she shall yield the chair to another committee member in the event he or she will be absent or confronts a conflict regarding any matter coming before the committee, and may yield the chair to another committee member for personal reasons; and*
- *in consultation with the president, other committee members, and appropriate staff, assist in the preparation of committee agendas and coordinate and facilitate the work of the committee in furtherance of the Board's goals and objectives.*

## **DUTIES LIAISON OR REPRESENTATIVE**

### **Section 7.**

*A Board member appointed as a liaison or representative shall:*

- *serve as an informal (non-voting) link between the Board and the advisory body or agency (or function) to which he or she is appointed as liaison or representative; and*
- *reflect the position of the Board, if a position is known to him or her, on issues before the advisory body or agency (or within the function) to which he or she is appointed as liaison or representative and keep the Board appropriately informed.*

## **DUTIES OF A BOARD MEMBER APPOINTED TO ANOTHER AGENCY**

### **Section 8.**

*The member shall:*

- *to every extent possible, attend the meetings of the agency and meet all responsibilities of membership; and*
- *reflect through his or her participation and vote the position of the Board, if a position is known to him or her, and keep the Board informed of the agency's activities and the issues with which it is dealing.*

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# **ARTICLE V**

## **Meetings**

### **REGULAR MEETINGS**

#### **Section 1.**

*Generally, regular meetings of the Board shall be held on the Wednesday and Thursday preceding the second Friday of each of the following months: July, September, November, January, March, and May. However, in adopting a specific meeting schedule, the Board may deviate from this pattern to accommodate state holidays and special events. Other regularly noticed meetings may be called by the president for any stated purpose.*

EC 33007

### **SPECIAL MEETINGS**

#### **Section 2.**

*Special meetings may be called to consider those purposes specified in law if compliance with the 10-day notice would impose a substantial hardship on the board or if immediate action is required to protect the public interest.*

### **OPEN MEETINGS**

#### **Section 3.**

*(a) All meetings of the Board, except the closed sessions permitted by law, and all meetings of Board committees, to the extent required by law, shall be open and public.*

*(b) All meetings shall conform to the Bagley-Keene Open Meeting Act, including requirements for notices of meetings, preparation and distribution of agendas and written materials, inspection of public records, closed sessions and emergency meetings, maintenance of records, and disruption of a public meeting. Those provisions of law which govern the conduct of meetings of the Board are hereby incorporated by reference into these Bylaws.*

*(c) Unless otherwise provided by law, meetings of any advisory body, committee or subcommittee thereof, created by statute or by formal action of the Board, which is required to advise or report or recommend to the Board, shall be open to the public.*

GC 11120 et seq.

## **NOTICE OF MEETINGS**

### **Section 4.**

*(a) Notice of each regular meeting shall be posted at least 10 days prior to the time of the meeting and shall include the time, date, and place of the meeting and a copy of the meeting agenda.*

*(b) Notice of any meeting of the Board shall be given to any person so requesting. Upon written request, individuals and organizations wishing to receive notice of meetings of the Board will be included on the mailing list for notice of regular meetings.*

## **SPECIAL MEETINGS (ADDITIONAL PROVISIONS)**

### **Section 5.**

*(a) Special meetings may be called by the president or by the secretary upon the request of any four members of the board for the purposes specified in law if compliance with the 10-day notice requirements would impose a substantial hardship on the board or if immediate action is required to protect the public interest.*

*(b) Notice of special meetings shall be delivered in a manner that allows it to be received by the members and by newspapers of general circulation and radio or television stations at least 48 hours before the time of the special meeting. Notice shall also be provided to all national press wire services. Notice to the general public shall be made by placing it on appropriate electronic bulletin boards if possible.*

*(c) Upon commencement of a special meeting, the board shall make a finding in open session that giving a 10-day notice prior to the meeting would cause a substantial hardship on the board or that immediate action is required to protect the public interest. The finding shall be adopted by a two-thirds vote of the board or a unanimous vote of those members present if less than two-thirds of the members are present at the meeting.*

EC 33008  
GC 11125

## **EMERGENCY MEETINGS**

### **Section 5.**

*(a) An emergency meeting may be called by the president or by the secretary upon the request of any four members without providing the notice otherwise required in the case of a situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities and which is properly a subject of an emergency meeting in accordance with law.*

*(b) The existence of an emergency situation shall be determined by concurrence of six of the members during a meeting prior to an emergency meeting, or at the beginning of an emergency meeting, in accordance with law.*

*(c) Notice of an emergency meeting shall be provided in accordance with law.*

GC 11125.5  
EC 33008  
EC 33010

## **CLOSED SESSIONS**

### **Section 6.**

*Closed sessions shall be held only in accordance with law.*

## **QUORUM**

### **Section 7.**

*(a) The concurrence of six members of the Board shall be necessary to the validity of any of its acts.*

EC 33010

*(b) A quorum of any Board committee shall be a majority of its members, and a committee may recommend actions to the Board with the concurrence of a majority of a quorum.*

## **ORDER OF BUSINESS**

### **Section 8.**

*The order of business for all regular meetings of the Board shall generally be:*

- *Call to Order*
- *Salute to the Flag*
- *Reorganization of the Board (if necessary)*
- *Approval of Minutes*
- *Communications*
- *Announcements*
- *Report of the Superintendent*
- *Reports of Board Ad Hoc Committee and Liaisons (as necessary)*
- *Ordering of the Agenda*
- *Consent Calendar*
- *Full Board Items*
- *Reports of Board Standing Committees*
- *President's Report*
- *Member Reports*
- *Adjournment*

## **CONSENT CALENDAR**

### **Section 9.**

*(a) Non-controversial matters and waiver requests meeting established guidelines may be presented to the Board on a consent calendar.*

*(b) Items may be removed from the consent calendar upon the request of an individual Board member or upon the request of Department staff authorized by the State Superintendent of Public Instruction to submit items for consideration by the Board.*

*(c) Items removed from the consent calendar shall be referred to a standing committee or shall be considered by the full Board at the direction of the president.*

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## **ARTICLE VI**

### **Committees and Representatives**

## **SCREENING COMMITTEES**

### **Section 1.**

*A Screening Committee composed of no fewer than three and no more than five members shall be appointed by the president to screen applicants for appointment to Board advisory bodies and other positions as necessary; participate, as directed by the president, in the selection of candidates for the position of student Board member in accordance with law; and recommend appropriate action to the Board.*

## **AD HOC COMMITTEES**

### **Section 2.**

*From time to time, the president may appoint ad hoc committees for such purposes as he or she deems necessary. Ad hoc committees shall remain in existence until abolished by the president.*

## **REPRESENTATIVES**

### **Section 3.**

*From time to time, the president may assign Board members the responsibility of representing the State Board in discussions with staff (as well as with other individuals and agencies) in relation to such topics as assessment and accountability, legislation, and implementation of federal and state programs. The president may also assign Board members the responsibility of representing the Board in ceremonial activities.*

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## **ARTICLE VII**

### **Public Hearings: General**

#### **SUBJECT OF A PUBLIC HEARING**

##### **Section 1.**

*(a) The Board may hold a public hearing regarding any matter pending before it after giving the notice required by law.*

*(b) The Board may direct that a public hearing be held before staff of the Department of Education, an advisory commission to the Board, or a standing or ad hoc committee of the Board regarding any matter which is or is likely to be pending before the Board. If the Board directs that a public hearing be held before staff, then an audiotape of the public hearing and a staff-prepared summary of comments received at the public hearing shall be made available to the Board members in advance of the meeting at which action on the pending matter is scheduled.*

5 CCR 18460  
EC 33031  
GC 11125

#### **COPIES OF STATEMENTS**

##### **Section 2.**

*A written copy of the testimony a person wishes to present at a public hearing is requested, but not required. The written copy may be given to appropriate staff in advance of or at the public hearing.*

#### **TIME LIMITS FOR THE PRESENTATION OF PUBLIC TESTIMONY**

##### **Section 3.**

*At or before a public hearing, the presiding individual shall (in keeping with any legal limitation or condition that may pertain) determine the total amount of time that will be devoted to hearing oral comments, and may determine the time to be allotted to each person or to each side of an issue.*

5 CCR 18463  
EC 33031

#### **WAIVER BY PRESIDING INDIVIDUAL**

##### **Section 4.**

*At any time, upon a showing of good cause, the presiding individual may waive any time limitation established under Section 3 of this article.*

5 CCR 18464

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## ARTICLE VIII

### **Public Hearings: School District Reorganization**

#### **SUBMISSION OF PROPOSALS AND PETITIONS**

##### **Section 1.**

*A proposal by a county committee on school district organization or other public agency, or a petition for the formation of a new district or the transfer of territory of one district to another shall be submitted to the executive officer of the Board. The executive officer of the Board shall cause the proposal or petition to be:*

- *reviewed and analyzed by the California Department of Education;*
- *set for hearing before the Board (or before staff if so directed by the Board) at the earliest practicable date; and*
- *transmitted together with the report and recommendation of the Department of Education to the Board (or to the staff who may be directed by the Board to conduct the hearing) and to such other persons as is required by law not later than ten days before the date of the hearing.*

CCR 18570

#### **ARGUMENTS BEFORE THE BOARD: ORIGINAL SUBMISSION**

##### **Section 2.**

*At the time and place of hearing, the Board (or staff if so directed by the Board) will receive oral or written arguments on the proposal or petition. The presiding individual may limit the number of speakers on each side of the issue, limit the time permitted for the presentation of a particular view, and limit the time of the individual speakers. The presiding individual may ask that speakers not repeat arguments previously presented.*

CCR 18571

#### **RESUBMISSION OF THE SAME OR AN ESSENTIALLY IDENTICAL PROPOSAL OR PETITION**

##### **Section 3.**

*If the same or an essentially identical proposal or petition has been previously considered by the Board, the documents constituting such a resubmission shall be accompanied by a written summary of any new factual situations or facts not previously presented. In this case, any hearing shall focus on arguments not theretofore presented and hear expositions of new factual situations and of facts not previously entered into the public record.*

CCR 18572

#### **STATEMENTS**

##### **Section 4.**

*All statements are requested to be submitted to the Board (or to staff if so directed by the Board) in advance of the presentation. Statements are requested to be in writing and should only be summarized in oral testimony.*

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## ARTICLE IX

### **Public Records**

*Public records of the Board shall be available for inspection and duplication in accordance with law, including the collection of any permissible fees for research and duplication.*

## ARTICLE X

### **Parliamentary Authority**

#### **RULES OF ORDER**

##### **Section 1.**

*Debate and proceedings shall be conducted in accordance with Robert's Rules of Order (Newly Revised) when not in conflict with rules of the Board and other statutory requirements.*

##### **Section 2.**

*Members of the public or California Department of Education staff may be recognized by the president of the Board or other presiding individual, as appropriate, to speak at any meeting. Those comments shall be limited to the time determined by the president or other presiding individual. All remarks made shall be addressed to the president or other presiding individual. In order to maintain appropriate control of the meeting, the president or other presiding individual shall determine the person having the floor at any given time and, if discussion is in progress or to commence, who may participate in the discussion.*

##### **Section 3.**

*All speakers shall confine their remarks to the pending matter as recognized by the president or other presiding individual.*

##### **Section 4.**

*Public speakers shall not directly question members of the Board, the State Superintendent, or staff without express permission of the president or other presiding individual, nor shall Board members, the State Superintendent, or staff address questions directly to speakers without permission of the president or other presiding individual.*

##### **Section 5.**

*The Chief Counsel to the Board or the General Counsel of the California Department of Education, or a member of the Department's legal staff in the absence of the Board's Chief Counsel, will serve as parliamentarian. In the absence of legal staff, the president or other presiding individual will name a temporary replacement if necessary.*

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## ARTICLE XI

### **Board Appointments**

#### **ADVISORY BODIES**

##### **Section 1.**

*Upon recommendation of the Screening Committee as may be necessary, the Board appoints members to the following advisory bodies for the terms indicated:*

*(a) Advisory Commission on Special Education. The Board appoints five of 17 members to serve four-year terms.*

*EC 33590*

*(b) Curriculum Development and Supplemental Materials Commission. The Board appoints 13 of 18 members to serve four-year terms.*

*EC 33530*

*(c) Child Nutrition Advisory Council. The Board appoints 13 members, 12 to three-year terms and one student representative to a*

*one-year term. By its own action, the Council may provide for the participation in its meetings of non-voting representatives of interest groups not otherwise represented among its members, such as school business officials and experts in the area of physical education and activity.*

EC 49533

*(d) Advisory Commission on Charter Schools. The Board appoints eight members to two-year terms.*

EC 47634.2(b)(1)  
State Board of Education Policy 01-04

## **OTHER APPOINTMENTS**

### **Section 2.**

*On the Board's behalf, the president makes the following appointments:*

*(a) WestEd (Far West Laboratory for Educational Research and Development). Five individuals to serve three-year terms on the Board of Directors as follows:*

- *one representing the California Department of Education;*
- *two representing school districts in California; and*
- *two representing county offices of education in California.*

JPA-FWL

*(b) Trustees of the California State Summer School for the Arts. Two members, one of whom shall be a current member of the Board, for terms of three years.*

EC 8952.5

*(c) No Child Left Behind Liaison Team. Two members for terms not to exceed two years.*

EC 52058.1

## **SCREENING AND APPOINTMENT**

### **Section 3.**

*Opportunities for appointment shall be announced and advertised as appropriate, and application materials shall be made available to those requesting them. The Screening Committee shall paper-screen all applicants, interview candidates as the Committee determines necessary, and recommend appropriate action to the Board.*

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## **ARTICLE XII**

### **Presidential Appointments**

## **LIAISONS**

### **Section 1.**

*The president shall appoint one Board member, or more where needed, to serve as liaison(s) to:*

- (a) The Advisory Commission on Special Education;*
- (b) The Curriculum Development and Supplemental Materials Commission;*
- (c) The National Association of State Boards of Education, if the Board participates in that organization.*
- (d) The Commission on Teacher Credentialing.*



(e) *The California Postsecondary Education Commission: one member to serve as the president's designee if the president so chooses, recognizing that no person employed full-time by any institution of public or private postsecondary education may serve on the commission.*

EC 66901(d) and (h)

## **OTHER**

### **Section 2.**

*The president shall make all other appointments that may be required of the Board or that require Board representation.*

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## **ARTICLE XIII**

### **Amendment to the Bylaws**

*These Bylaws may be amended at any regular meeting of the Board, provided that the amendment has been submitted in writing at the previous regular meeting.*

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## **Abbreviations**

Abbreviations used in these Bylaws, citing Board authority, are:

Abbreviation	Description
CC	Constitution of the State of California
CCR	California Code of Regulations
EC	California <i>Education Code</i>
GC	California <i>Government Code</i>
CFR	Code of Federal Regulations
JPA-FWL	Joint Powers Agreement Establishing the Far West Laboratory for Educational Research and Development, originally entered into by the State Board of Education on February 11, 1966, and subsequently amended

## **Dates of Adoption and Amendment**

Status	Date
Adopted	April 12, 1985
Amended	February 11, 1987
Amended	December 11, 1987
Amended	November 11, 1988
Amended	December 8, 1989
Amended	December 13, 1991
Amended	November 13, 1992
Amended	February 11, 1993
Amended	June 11, 1993
Amended	May 12, 1995
Amended	January 8, 1998
Amended	April 11, 2001
Amended	July 9, 2003

**Questions: State Board of Education | 916-319-0827**

California State Board of Education  
1430 N Street, Suite #5111  
Sacramento, CA 95814

Last Reviewed: Friday, December 23, 2011

## SBE Agenda for September 2012

Agenda for the California State Board of Education (SBE) meeting on September 13, 2012.

### State Board Members

Michael W. Kirst, President  
Trish Williams, Vice President

Carl Cohn  
Bruce Holaday  
Aida Molina  
James C. Ramos  
Patricia A. Rucker  
Ilene W. Straus  
Josephine Kao, Student Member  
Vacancy  
Vacancy

### Secretary & Executive Officer

Hon. Tom Torlakson

### Executive Director

Susan K. Burr

Schedule of Meeting	Location
<b>Thursday, September 13, 2012 8:30 a.m. Pacific Time ±</b>  STATE BOARD OF EDUCATION <b>Public Session, adjourn to Closed Session – IF NECESSARY.</b> The Closed Session will take place at approximately 8:30 a.m. (The public may not attend.)	<b>California Department of Education</b> 1430 N Street, Room 1101 Sacramento, California 95814 916-319-0827

The Closed Session (1) may commence earlier than 8:30 a.m.; (2) may begin at or before 8:30 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 8:30a.m.

Please see the detailed agenda for more information about the items to be considered and acted upon. The public is welcome.

### CLOSED SESSION AGENDA

Conference with Legal Counsel – Existing Litigation: Under *Government Code* sections 11126(e)(1) and (e)(2)(A), the State Board of Education hereby provides public notice that some or all of the pending litigation which follows will be considered and acted upon in closed session:

- *Alejo, et al. v. Jack O'Connell, State Board of Education, et al.*, San Francisco County Superior Court, Case No. CPF-09-509568 CA Ct. of Appeal, 2<sup>nd</sup> Dist., Case No. A130721
- *California School Boards Association, et al. v. California State Board of Education and Aspire Public Schools, Inc.*, Alameda County Superior Court, Case No. 07353566, CA Ct. of Appeal, 1<sup>st</sup> Dist., Case No. A122485, CA Supreme Court, Case No. S186129
- *California School Boards Association and its Education Legal Alliance, et al. v. The California State Board of Education, et al.*, Sacramento County Superior Court, Case No. 34-2008-00021188-CU-MC-GDS, CA Ct. of Appeal, 3<sup>rd</sup> Dist., Case No. No. C060957

- Doe et al. v. State of California, Tom Torlakson, the California Department of Education, the State Board of Education, Dinuba Unified School District*, Sacramento County Superior Court, Case No. 34-2012-80001164
- *Doe, Jane, and Jason Roe v. State of California, Tom Torlakson, the California Department of Education, the State Board of Education*, Los Angeles Superior Court, Case No. BC445151
  - *Emma C., et al. v. Delaine Eastin, et al.*, USDC (No.Dist.CA), Case No. C-96-4179
  - *EMS-BP, LLC, Options for Youth Burbank, Inc., et al. v. California Department of Education, et al.*, Sacramento County Superior Court, Case No. 03CS01078 and 03CS01079 and related appeal
  - *Graham et al. v the State Board of Education, the California Department of Education, Jack O'Connell, Fred Balcom, Tom Torlakson*, Los Angeles County Superior Court, Case No. BC482694
  - *K.C. et al. v. Jack O'Connell, et al.*, U.S. District Court, Northern District of California, Case No. C054077 MMC
  - *Options for Youth-Victor Valley, et al. v. California Department of Education, et al.*, Los Angeles County Superior Court, Case No. BC347454
  - *Options for Youth, Burbank, Inc., San Gabriel, Inc. Upland, Inc. and Victor Valley*, Notice of Appeal Before the Education Audit Appeals Panel, OAH Case No. 2006100966
  - *Opportunity for Learning – PB, LLC; Opportunities Learning – C, LLC, and Opportunities for Learning WSH, LLC*, Notice of Appeal Before the Audit Appeals Panel
  - *Porter, et al., v. Manhattan Beach Unified School District, et al.*, United States District Court, Central District, Case No. CV-00-08402
  - *Perris Union High School District v. California State Board of Education, California Department of Education, et al.*, Riverside County Superior Court, Case No. RIC520862
  - *Reed v. State of California, Los Angeles Unified School District, State Superintendent of Public Instruction, Jack O'Connell, California Department of Education, and State Board of Education, et al.*, Los Angeles County Superior Court, Case No. BC432420, CA Ct. of Appeal, 2<sup>nd</sup> Dist., Case No. B230817, CA Supreme Ct., Case No. 5191256
  - *Today's Fresh Start, Inc. v. Los Angeles County Office of Education, et al.*, Los Angeles County Superior Court, Case No. BS112656, CA Ct. of Appeal, 2<sup>nd</sup> Dist., Case Nos. B212966
  - *Stoner Park Community Advocates v. City of Los Angeles, Department of Planning of the City of Los Angeles, Department of Transportation City of Los Angeles (Respondents) and New West Charter Middle School, State Board of Education (Real Parties in Interest)*, Los Angeles County Superior Court, Case No. BS138051
  - *Vergara et al. v. State of California, Governor Edmund G. Brown, Tom Torlakson, the California Department of Education, the State Board of Education*, Los Angeles County Superior Court, Case No. BC484642

Conference with Legal Counsel – Anticipated Litigation: Under *Government Code* sections 11126(e)(1) and (e)(2)(B), the State Board of Education hereby provides public notice that it may meet in closed session to decide whether there is a significant exposure to litigation, and to consider and act in connection with matters for which there is a significant exposure to litigation. Under *Government Code* sections 11126(e)(1) and (e)(2)(C), the State Board of Education hereby provides public notice that it may meet in closed session to decide to initiate litigation and to consider and act in connection with litigation it has decided to initiate.

Under *Government Code* section 11126(c)(14), the State Board of Education hereby provides public notice that it may meet in closed session to review and discuss the actual content of pupil achievement tests (including, but not limited to, the High School Exit Exam) that have been submitted for State Board approval and/or approved by the State Board.

Under *Government Code* section 11126(a), the State Board of Education hereby provides public notice that it may meet in closed session regarding the appointment, employment, evaluation of performance, or dismissal, discipline, or release of public employees, or a complaint or charge against public employees. Public employees include persons exempt from civil service under Article VII, Section 4(e) of the California Constitution.

Schedule of Meeting	Location
<b>Thursday, September 13, 2012</b> 8:30 a.m. Pacific Time ± Upon adjournment of Closed Session, if held.  STATE BOARD OF EDUCATION <b>Public Session</b>	<b>California Department of Education</b> 1430 N Street, Room 1101 Sacramento, California 95814 916-319-0827

Please see the detailed agenda for more information about the items to be considered and acted upon. The public is welcome.

**ALL TIMES ARE APPROXIMATE AND ARE PROVIDED**

**FOR CONVENIENCE ONLY**

**ALL ITEMS MAY BE RE-ORDERED TO BE HEARD ON  
ANY DAY OF THE NOTICED MEETING**

**THE ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE**

Time is set aside for individuals desiring to speak on any topic not otherwise on the agenda (please see the detailed agenda for the Public Session). In all cases, the presiding officer reserves the right to impose time limits on presentations as may be necessary to ensure that the agenda is completed.

**REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY**

Pursuant to the *Rehabilitation Act of 1973* and the *Americans with Disabilities Act of 1990*, any individual with a disability who requires reasonable accommodation to attend or participate in a meeting or function of the California State Board of Education (SBE), may request assistance by contacting the SBE Office, 1430 N Street, Room 5111, Sacramento, CA, 95814; telephone, 916-319-0827; fax, 916 319-0175.

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**CALIFORNIA STATE BOARD OF EDUCATION**

**FULL BOARD AGENDA  
Public Session**

**September 13, 2012**

**Thursday, September 13, 2012 – 8:30 a.m. Pacific Time ±**

California Department of Education  
1430 N Street, Room 1101  
Sacramento, California 95814

Call to Order

Salute to the Flag

Closed Session

Communications

Announcements

REPORT OF THE STATE SUPERINTENDENT

SPECIAL PRESENTATIONS

Public notice is hereby given that special presentations for informational purposes may take place during this session.

**AGENDA ITEMS**

[Item 1](#) (DOC)

**Subject:** STATE BOARD PROJECTS AND PRIORITIES.

Including, but not limited to, future meeting plans; agenda items; and officer nominations and/or elections; State Board office budget, staffing, appointments, and direction to staff; declaratory and commendatory resolutions; bylaw review and revision; Board policy; approval of minutes; Board liaison reports; training of Board members; and other matters of interest. Including, but not limited to, future meeting plans; agenda items; and officer nominations and/or elections; State Board office budget, staffing, appointments, and direction to staff; declaratory and commendatory resolutions; bylaw review and revision; Board policy; approval of minutes; Board liaison reports; training of Board members; and other matters of interest.

**Type of Action:** Action, Information

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[Item 2](#) (DOC)

**Subject:** Update on the Activities of the California Department of Education and State Board of Education Regarding Implementation of Common Core State Standards Systems.

**Type of Action:** Action, Information

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[Item 3](#) (DOC)

**Subject:** Adoption of the English Language Development Standards for California Public Schools, Kindergarten through Grade Twelve.

**Type of Action:** Action, Information

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[Item 4](#) (DOC)

**Subject:** Update on the Activities of the California Department of Education Regarding the Development of the Superintendent's Recommendations on the Future Assessment System in California.

**Type of Action:** Information

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[Item 5](#) (DOC)

**Subject:** Standardized Testing and Reporting Program: One-Year Extension of Educational Testing Service Contract.

**Type of Action:** Action, Information

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[Item 6](#) (DOC)

**Subject:** Update on Issues Related to California's Implementation of the Elementary and Secondary Education Act and Other Programs, Including but not Limited to the Race to the Top Local Educational Agency Application.

**Type of Action:** Action, Information

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[Item 7](#) (DOC)

**Subject:** Elementary and Secondary Education Act: Supplemental Educational Services Provider: Removal of Providers from the 2011–13 Approval List for Failure to Meet Contractual Terms with One or More Local Educational Agencies.

**Type of Action:** Action, Information

- [Item 7 Attachment 1](#) (PDF; 5MB)
  - [Item 7 Attachment 3](#) (PDF)
- 

[Item 8](#) (DOC; 3MB)

**Subject:** Administration of Epilepsy Medication—Adopt the Proposed Regulations for Additions to the *California Code of Regulations*, Title 5, Sections 620–627.

**Type of Action:** Action

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[Item 9](#) (DOC; 1MB)

**Subject:** Administration of Epilepsy Medication—Approve the Request for Readoption of the Emergency Regulations for Additions to the *California Code of Regulations*, Title 5, Sections 620–627.

**Type of Action:** Action

- [Item 9 Attachment 5](#) (PDF)
  - [Accessible Alternative Version of Item 9 Attachment 5](#)
- 

[Revised Item 10](#) (DOC; **Posted** 05-Sep-2012)

[Item 10](#) (DOC)

**Subject:** Public Charter Schools Grant Program: Revision of the Public Charter Schools Grant Program Request for Applications.

**Type of Action:** Action, Information

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**\*\*\* WAIVERS \*\*\***

**WAIVERS / ACTION AND CONSENT ITEMS**

The following agenda items include waivers that are proposed for consent and those waivers scheduled for separate action because CDE staff has identified possible opposition, recommended denial, or determined may present new or unusual issues that should be considered by the State Board. Waivers proposed for consent are so indicated on each waiver's agenda item; however, any board member may remove a waiver from proposed consent and the item may be heard individually. On a case-by-case basis, public testimony may be considered regarding the item, subject to the limits set by the Board President or by the President's designee; and action different from that recommended by CDE staff may be taken.

CHARTER SCHOOL PROGRAM (Attendance Accounting for Multi-Track)

[Item W-01](#) (DOC)

**Subject:** Request by Mountain Empire Unified School District to waive portions of *California Code of Regulations*, Title 5, Section 11960(a), to allow the charter school attendance to be calculated as if it were a regular multi-track school.

**Waiver Number:** 10-5-2012

(Recommended for APPROVAL WITH CONDITIONS) *EC 33051(b)* will apply.

---

FEDERAL PROGRAM WAIVER (Carl D. Perkins Vocational and Career Technical Education Improvement Act of 2006)

[Item W-02](#) (DOC)

**Subject:** Request by six districts for a waiver of Section 131(c)(1) of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Public Law 109-270).

**Waiver Numbers:**

- Colusa Unified School District Fed-07-2012
- Mountain Valley Unified School District Fed-03-2012
- Santa Ynez Valley Union High School District Fed-04-2012
- Scott Valley Unified School District Fed-05-2012
- Trinity Alps Unified School District Fed-02-2012
- Upper Lake Union High School District Fed-01-2012

(Recommended for APPROVAL)

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SPECIAL EDUCATION PROGRAM (Algebra I Requirement for Graduation)

[Item W-03](#) (DOC)

**Subject:** Request by three local educational agencies to waive California *Education Code* Section 51224.5(b), the requirement that all students graduating in the 2011–12 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation, for three special education students based on *Education Code* Section 56101, the special education waiver authority.

**Waiver Numbers:**

- Conejo Valley Unified School District 28-6-2012
- Humboldt County Office of Education 24-5-2012
- Southern Trinity Joint Unified School District 10-6-2012

(Recommended for APPROVAL WITH CONDITIONS)

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OUT-OF-STATE USE OF FUNDS AND TRANSPORTATION ALLOWANCES

[Item W-04](#) (DOC)

**Subject:** Request by Big Springs Union Elementary School District to waive a portion of California *Education Code* Section 35330(b)(3) to authorize expenditures of school district funds for students to travel to Oregon to attend curricular and extracurricular trips/events.

**Waiver Number:** 8-6-2012

(Recommended for APPROVAL WITH CONDITIONS) *EC* 33051(b) will apply.

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STATE TESTING APPORTIONMENT REPORT

[Item W-05](#) (DOC)

**Subject:** Request by seven local educational agencies to waive the State Testing Apportionment Information Report deadline of December 31 in the *California Code of Regulations*, Title 5, Section 11517.5(b)(1)(A) regarding the California English Language Development Test; or Title 5, Section 1225(b)(2)(A) regarding the California High School Exit Examination; or Title 5, Section 862(c)(2)(A) regarding the Standardized Testing and Reporting Program.

**Waiver Numbers:**

- Fountain Valley Elementary School District 35-5-2012
- Lawndale Elementary School District 36-5-2012
- Montebello Unified School District 20-6-2012
- San Rafael City Elementary School District 21-5-2012
- San Rafael City High School District 20-5-2012
- Scott Valley Unified School District 22-5-2102
- Thermalito Union Elementary School District 28-5-2012

(Recommended for APPROVAL)

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COMMUNITY DAY SCHOOLS (CDS)

[Item W-06](#) (DOC)

**Subject:** Request by two districts, under the authority of California *Education Code* Section 33050, to waive portions of California *Education Code* sections 48660 and 48916.1(d) relating to the allowable grade spans for community day schools.

**Waiver Numbers:**

- Big Valley Joint Unified School District 14-5-2012
- Fowler Unified School District 3-6-2012

(Recommended for APPROVAL WITH CONDITIONS)

*EC* 33051(b) will apply only to Big Valley Joint Unified School District.

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EQUITY LENGTH OF TIME

[Item W-07](#) (DOC)

**Subject:** Request by Tracy Joint Unified School District to waive *Education Code* Section 37202, the equity length of time requirement for South/West Park School and Gladys Poet-Christian Magnet School.

**Waiver Numbers:**

- Tracy Joint Unified 30-6-2012
- Tracy Joint Unified 31-6-2012

(Recommended for APPROVAL)

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SCHOOLSITE COUNCIL STATUTE



[Item W-08](#) (DOC)

**Subject:** Request by 12 local educational agencies under the authority of California *Education Code* Section 52863 for waivers of *Education Code* Section 52852, relating to school site councils regarding changes in shared, composition, or shared and composition members.

**Waiver Numbers:**

- Big Pine Unified 6-6-2012
- Butte County Office of Education 9-5-2012
- Delano Joint Union High 33-5-2012
- Dunsmuir Elementary 21-6-2012
- Greenfield Union 7-6-2012
- Lassen View Union Elementary 31-5-2012
- Lompoc Unified 7-5-2012
- Mountain Empire Unified 46-6-2012
- San Luis Obispo County Office of Education 16-6-2012
- Stanislaus County Office of Education 5-5-2012
- Trinity Center Elementary 23-5-2012
- Trinity County Office of Education 39-5-2012

(Recommended for APPROVAL WITH CONDITIONS)

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BOND INDEBTEDNESS

[Item W-09](#) (DOC)

**Subject:** Request by Tehama County Office of Education to waive California *Education Code* Section 35573 to allow allocation of existing bonded indebtedness to be unaffected by lapsation of school districts.

**Waiver Number:** 19-6-2012

(Recommended for APPROVAL)

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INSTRUCTIONAL MATERIALS FUNDING REALIGNMENT PROGRAM (IMFRP) (Petition to Purchase Special Education Non Adopted Material)

[Item W-10](#) (DOC)

**Subject:** Request under California *Education Code* sections 60421(d) and 60200(g) by Los Angeles County Office of Education to purchase specified non-adopted instructional materials for severely disabled children using Instructional Materials Funding Realignment Program monies.

**Waiver Number:** 24-6-2012

(Recommended for APPROVAL)

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INSTRUCTIONAL TIME REQUIREMENT AUDIT PENALTY (Below 1982-83 Base Minimum Minutes)

[Item W-11](#) (DOC)

**Subject:** Request by Golden Plains Unified School District under the authority of California *Education Code* Section 46206 to waive *Education Code* Section 46201(d) the audit penalty for offering less instructional time in the 2010–11 fiscal year for students in grades nine through twelve (shortfall of 775 minutes per grade).

**Waiver Number:** 32-4-2012

(Recommended for APPROVAL WITH CONDITIONS)

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CLASS SIZE PENALTIES (Over Limit on Grades 1-3)

[Item W-12](#) (DOC)

**Subject:** Request by sixteen districts, under the authority of California *Education Code* Section 41382, to waive portions of *Education Code* sections 41376 (a), (c), and (d) and/or 41378 (a) through (e), relating to class size penalties for kindergarten through grade three. For kindergarten, the overall class size average is 31 to one with no class larger than 33. For grades one through three, the overall class size average is 30 to one with no class larger than 32.

**Waiver Numbers:**

- Acton-Agua Dulce Unified School District 11-6-2012
- Alvord Unified School District 22-6-2012
- Chawanakee Unified School District 34-6-2012
- Desert Sands Unified School District 17-5-2012
- Desert Sands Unified School District 18-5-2012
- Desert Sands Unified School District 33-6-2012
- Folsom-Cordova Unified School District 47-6-2012
- Garden Grove Unified School District 9-6-2012
- Hayward Unified School District 25-6-2012
- Hesperia Unified School District 29-6-2012
- Huntington Beach City Elementary School District 1-6-2012
- Maple Elementary School District 30-5-2012
- Nevada City School District 15-6-2012
- Ojai Unified School District 27-6-2012
- Palo Verde Unified School District 32-5-2012
- Pioneer Union Elementary School District 13-6-2012
- Stanislaus Union Elementary School District 4-6-2012
- Tracy Joint Unified School District 2-6-2012

(Recommended for APPROVAL WITH CONDITIONS)

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CLASS SIZE PENALTIES (Over Limit on Grades 4-8)

[Item W-13](#) (DOC)

**Subject:** Request by eight districts to waive portions of California *Education Code* Section 41376 (b) and (e), relating to class size penalties for grades four through eight. A district's current class size maximum is the greater of the 1964 statewide average of 29.9 to one or the district's 1964 average.

**Waiver Numbers:**

- Chawanakee Unified School District 35-6-2012
- Desert Sands Unified School District 16-5-2012
- Garden Grove Unified School District 23-6-2012
- Glendora Unified School District 15-5-2012
- Nevada City Elementary School District 14-6-2012
- Ojai Unified School District 26-6-2012
- Orange Center Elementary School District 53-4-2012
- Temple City Unified School District 17-6-2012

(Recommended for APPROVAL WITH CONDITIONS)

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CLASS SIZE PENALTIES (Over limit on Kindergarten - Grade 3)

[Item W-14](#) (DOC)

**Subject:** Request by Adelanto Elementary School District, under the authority of California *Education Code* Section 41382, to waive portions of *Education Code* sections 41376 (a), (c), and (d) and 41378 (a) through (e), relating to class size penalties for kindergarten through grade three. For kindergarten, the overall class size average is 31 to one with no class larger than 33. For grades one through three, the overall class size average is 30 to one with no class larger than 32.

**Wavier Number:** 34-5-2012

(Recommended for APPROVAL WITH CONDITIONS)

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## CLASS SIZE PENALTIES (Over Limit on Grades 4-8)

[Item W-15](#) (DOC)

**Subject:** Request by three districts to waive portions of California *Education Code* Section 41376 (b) and (e), relating to class size penalties for grades four through eight. A district's current class size maximum is the greater of the 1964 statewide average of 29.9 to one or the district's 1964 average.

### Waiver Numbers:

- Inglewood Unified School District 18-6-2012
- Lincoln Unified School District 26-5-2012
- Ramona City Unified School District 36-6-2012

(Recommended for APPROVAL WITH CONDITIONS)

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## QUALITY EDUCATION INVESTMENT ACT (Class Size Reduction Requirements)

[Item W-16](#) (DOC)

**Subject:** Request by two local educational agencies to waive portions of California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act.

### Waiver Numbers:

- Orange Unified 32-6-2012
- Orange Unified 37-6-2012
- Orange Unified 38-6-2012
- Orange Unified 40-6-2012
- Orange Unified 41-6-2012
- Sacramento City Unified 104-2-2012

(Recommended for APPROVAL WITH CONDITIONS)

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## QUALITY EDUCATION INVESTMENT ACT (Class Size Reduction Requirements)

[Item W-17](#) (DOC)

**Subject:** Request by Keyes Union School District to waive portions of California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act.

**Waiver Number:** 27-5-2012

(Recommended for DENIAL)

\*\*\* END OF WAIVERS \*\*\*

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[Item 11](#) (DOC)

**Subject:** PUBLIC COMMENT.

Public Comment is invited on any matter **not** included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.

**Type of Action:** Information

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[Item 12](#) (DOC)

**Subject:** Elementary and Secondary Education Act: Proposed Amendment to the Accountability Workbook for 2012.

**Type of Action:** Action, Information

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[Item 13](#) (DOC; 1MB)

**Subject:** Elementary and Secondary Education Act: Request for Federal Timeline Waiver for Local Educational Agencies to Postpone Mandatory Parental Notification of School Improvement Status until Accountability Progress Report Data are Available.

**Type of Action:** Action, Information

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[Item 14](#) (DOC)

**Subject:** Elementary and Secondary Education Act: Approval of Local Educational Agency Plans, Title I, Section 1112.

**Type of Action:** Action, Information

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[Item 15](#) (DOC)

**Subject:** Approval of 2011–12 Consolidated Applications.

**Type of Action:** Action, Information

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[Item 16](#) (DOC)

**Subject:** Approval of 2012–13 Consolidated Applications.

**Type of Action:** Action, Information

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[Item 17](#) (DOC)

**Subject:** Assignment of Numbers for Charter School Petitions.

**Type of Action:** Action, Information

\*\*\* ADJOURNMENT OF MEETING \*\*\*

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**This agenda is posted on the [State Board of Education's Web site](http://www.cde.ca.gov/be/ag/) [http://www.cde.ca.gov/be/ag/].** For more information concerning this agenda, please contact the State Board of Education at 1430 N Street, Room 5111, Sacramento, CA, 95814; telephone 916-319-0827; facsimile 916-319-0175. Members of the public wishing to send written comments about an agenda item to the board are encouraged to send an electronic copy to [SBE@cde.ca.gov](mailto:SBE@cde.ca.gov), with the item number clearly marked in the subject line. In order to ensure that comments are received by board members in advance of the meeting, materials must be received by 12:00 p.m. on the Monday before the meeting.

Questions: State Board of Education | 916-319-0827

Last Modified: Wednesday, September 05, 2012

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California Department of Education

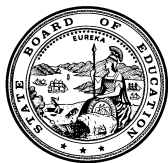
[Mobile site](#) | [Full site](#)



# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM 1**



# CALIFORNIA STATE BOARD OF EDUCATION

## SEPTEMBER 2012 AGENDA

### SUBJECT

#### STATE BOARD PROJECTS AND PRIORITIES.

Including, but not limited to, future meeting plans; agenda items; and officer nominations and/or elections; State Board office budget, staffing, appointments, and direction to staff; declaratory and commendatory resolutions; bylaw review and revision; Board policy; approval of minutes; Board liaison reports; training of Board members; and other matters of interest.

☒ Action

☒ Information

☐ Public Hearing

### SUMMARY OF THE ISSUE(S)

1. State Board of Education (SBE) Draft Preliminary Report of Actions/Minutes for the July 2012 Meeting
2. Board member liaison reports

### RECOMMENDATION

The SBE staff recommends that the SBE:

1. Approve the Preliminary Report of Actions/Minutes for the July 2012 Meeting (Attachment 2)

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At each regular meeting, the State Board has traditionally had an agenda item under which to address "housekeeping" matters, such as agenda planning, non-closed session litigation updates, non-controversial proclamations and resolutions, bylaw review and revision, Board policy; Board minutes; Board liaison reports; and other matters of interest. The State Board has asked that this item be placed appropriately on each agenda.

The SBE staff recently updated the Acronyms Chart, which had been a standard attachment to this item, and posted it on the SBE website. It may be accessed at <http://www.cde.ca.gov/re/di/aa/sbeacronyms.asp>.

**FISCAL ANALYSIS (AS APPROPRIATE)**

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Not applicable.

**ATTACHMENT(S)**

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Attachment 1: Bylaws for the California State Board of Education, amended July 9, 2003, may be viewed at the following link:

<http://www.cde.ca.gov/be/ag/ag/bylawsoc2002.asp>.

Attachment 2: State Board of Education Draft Preliminary Report of Actions/Minutes for the July 2012 Meeting (35 Pages) may be viewed at the following link: <http://www.cde.ca.gov/be/mt/ms/>.



# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM 2**





## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### SUBJECT

Update on the Activities of the California Department of Education and State Board of Education Regarding Implementation of Common Core State Standards Systems.

- ☒ Action
- ☒ Information
- ☐ Public Hearing

#### SUMMARY OF THE ISSUE(S)

This agenda item is the eighth in a series of regular updates to inform the State Board of Education (SBE) and public regarding Common Core State Standards (CCSS) systems implementation activities.

#### RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE take action as deemed necessary and appropriate but recommends no specific action at this time.

#### BRIEF HISTORY OF KEY ISSUES

When the SBE adopted the CCSS with additions in 2010, these standards became the current subject-matter standards in English language arts and mathematics. The full implementation of these standards will occur over several years as a new system of CCSS-aligned curriculum, instruction, and assessment is developed.

#### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

**July 2011-July 2012:** The CDE presented to the SBE a series of regular updates on the implementation of the CCSS.

**March 2012:** The SBE unanimously voted to present, in partnership with the SSPI, the CCSS Systems Implementation Plan for California to the Governor and the California State Legislature thereby fulfilling the requirements of California *Education Code*

## **SUMMARY OF PREVIOUS (Cont.)**

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Section 60605.8 (h).

**June 2011:** Governor Edmund G. Brown, Jr., SSPI Tom Torlakson, and SBE President Michael Kirst signed the memorandum of understanding for California's participation as a governing state in the SMARTER Balanced Assessment Consortium (SBAC). California was previously a participating state in the Partnership for the Assessment of Readiness for College and Careers (PARCC).

**November 2010:** The CDE presented to the SBE an update on the implementation of the CCSS. This update was provided at the joint meeting between the SBE and the Commission on Teacher Credentialing (See agenda at <http://www.cde.ca.gov/be/pn/pn/ctcsbeagenda08nov2010.asp>).

**August 2010:** Pursuant to Senate Bill X5 1, the SBE adopted the academic content standards in English language arts and mathematics as proposed by the California Academic Content Standards Commission (ACSC); the standards include the CCSS and specific additional standards that the ACSC had deemed necessary to maintain the integrity and rigor of California's already high standards.

**May 2009:** The SSPI, the Governor of California, and the SBE President agreed to participate in the Council of Chief State School Officers and the National Governors Association Center for Best Practices initiative to develop the CCSS as part of California's application to the federal Race to the Top grant.

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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The cost of implementing the CCSS is significant, but will be offset by the improved efficiencies, benefits of shared costs with other states, and the shifting of current costs to CCSS activities. Currently, the CDE is providing free professional learning support via webinars and presentations and is providing ongoing guidance to the field for transitioning to the CCSS. In terms of instructional materials, costs will span multiple years but will be offset by access to a national market of materials and greater price competition in so long as California does not add state-specific evaluation criteria. Nonetheless, the implementation of new CCSS-aligned assessments, professional learning supports, and instructional materials will require a shifting and infusion of new resources.

## **ATTACHMENT(S)**

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Attachment 1: Common Core State Standards Systems Implementation Plan  
Highlights: July-September 2012 (4 pages)

Attachment 2: Select Common Core State Standards Outreach Activities of the California Department of Education: July-August 2012 (2 pages)

Attachment 3: CCSS Implementation Outreach: State Board and Department of Education Activities (4 pages)



## Common Core State Standards Systems Implementation Plan Highlights: July–September 2012

### 1. Facilitate high quality professional learning opportunities for educators to ensure that every student has access to teachers who are prepared to teach to the levels of rigor and depth required by the CCSS.

- ◆ The California Department of Education (CDE) has contracted with three county offices of education and two California Subject Matter Projects to develop the professional learning modules (PLMs) for the Common Core State Standards (CCSS). The PLM task force that met in February 2012 developed objectives and outcomes for the modules which were included in the scope of work for each developer. The developers have also received two WebEx presentations on the needs of English Learners and the Next Generation English Language Development (ELD) Standards. The module topics currently being developed include:
  - Introduction to the CCSS
  - Reading Informational Text
  - Writing Informational Text
  - Standards of Mathematical Practice
  - Mathematical Progressions

The first drafts of these modules were reviewed Department-wide and recommendations sent to the developers for revisions and improvements. These modules will be available on the Brokers of Expertise website located at <http://www.myboe.org> in September, 2012. Additional modules are in the development stages and will be available before September 2013. The topics of these modules include:

- Assessment Literacy
- Literacy in Social Studies/History
- Literacy in Science
- Literacy in Technical Subjects
- ELD Standards and the CCSS
- Speaking and Listening Standards and Collaborative Conversations

More information is available on the CDE Professional Learning Modules for Educators Web page at <http://www.cde.ca.gov/re/cc/ccssplm.asp>.

- ◆ CDE staff conducted presentations on resources for implementing the CCSS and an overview of the Smarter Balanced assessment system at the California Teachers Association Summer Institute at University of California, Los Angeles on August 6-7, 2012.
- ◆ CDE staff conducted presentations on formative assessment and CCSS-related activities and resources from the CDE at Collaborating for Success: Implementing the Common Core State Standards in California, an event on CCSS implementation hosted by WestEd, American Institutes for Research, and California Education Partners on August 14-15, 2012 in Redwood City, CA.

## **2. Provide CCSS-aligned instructional resources designed to meet the diverse needs of all students.**

- ◆ An update regarding the adoption of the ELD standards for California public schools, Kindergarten through grade twelve, is provided in the September 2012 SBE Item 3.

## **3. Develop and transition to CCSS-aligned assessment systems to inform instruction, establish priorities for professional learning, and provide tools for accountability.**

- ◆ The Smarter Balanced Assessment Consortium (SBAC) Governing States have elected Deputy Superintendent Deb Sigman to the SBAC Executive Committee. Deb has over 35 years of experience in the assessment and accountability arena in K-12 California public schools. She has served as a district administrator overseeing various aspects of assessment, research, and evaluation, including the development of district-level assessments and the training of teachers in the interpretation and use of assessment data. She served as California's State Testing Director from January 2004 until May 2008, when she then became the Deputy Superintendent of the Public Instruction, District, School, and Innovation Branch for the CDE. She currently serves as the vice-chair of the National Assessment Governing Board-CCSSO Policy Task Force and as a member of the Education Information Management Advisory Consortium Assessment Task Force.

Deb Sigman joins Beverly Young, Assistant Vice Chancellor of Academic Affairs for the California State University System on the SBAC Executive Committee. In addition, California educators as well as staff from agencies including the State Board of Education Office, CDE, University of California, the California Community Colleges Chancellor's Office, and California's county offices of education actively participate in SBAC development and implementation activities including serving as members of the following: technical advisory committee, higher education architecture review board, accessibility and accommodations work group, assessment design work groups and the sustainability task force.

- ◆ The first administration of the Technology Readiness Tool (TRT) was completed on June 30 and data were extracted on July 15, 2012. This survey was the first of six administrations that will be conducted to assist schools to measure their progress and determine their readiness to administer the future computer-adaptive statewide assessments. The survey is voluntary and there was a broad range of participation levels of the states in the consortia. Forty-two percent of California's

school districts fully participated in the first administration of the survey which is comparable to many states. In addition, the submission of computing devices by Los Angeles Unified School District brought California's devices submission rate to 54 percent. Some states did not participate at all in this first administration. This first data collection is intended to be more of an initial inventory and not a readiness report or gap analysis report. There is also a wide variety of quality in the data submitted by states, given this is the first administration of the survey. An analysis of the specific results of the survey for California will be more valuable to measure progress and determine readiness once we have multiple administrations of the survey. The next TRT survey data extraction is scheduled to be completed on December 14, 2012. Additional information about the TRT is available on the CDE Web site at <http://www.cde.ca.gov/ta/tg/sa/sbac-itr-index.asp>.

- ◆ An update regarding the activities of the CDE regarding the development of the Superintendent's recommendations on the future assessment system in California is provided in the September 2012 SBE Item 4.

## **5. Collaborate with the postsecondary and business communities to ensure that all students are prepared for success in career and college.**

- ◆ CDE staff conducted a presentation on implementing the CCSS system to the California Education Roundtable Intersegmental Coordinating Committee on July 11, 2012 in Sacramento, CA. Topics included the development of the ELD standards, an overview and update regarding the SBAC, the revision of the curriculum frameworks for mathematics and English language arts, the development of the CCSS professional learning modules, and the remodeling of the CDE CCSS Web page.
- ◆ The Career Technical Education (CTE) Model Curriculum Standards will be available for public review beginning September 1, 2012, and ending September 19, 2012. There are several opportunities for review. The public is invited to participate in an online survey available at <http://www.cde.ca.gov/ci/ct/sf/ctemcstandards.asp>. In addition, two public review forums will be conducted. The first will take place on September 17, 2012 at the Los Angeles Area Chamber of Commerce and the second will take place on September 19, 2012 at the CDE. It is anticipated that the standards will be presented to the State Board of Education for approval at its January 2013 meeting. More information regarding the CTE standards may be found at <http://www.cde.ca.gov/ci/ct/sf/ctemcstandards.asp>.

## **6. Seek, create, and disseminate resources to support stakeholders as CCSS systems implementation moves forward.**

- ◆ CDE staff attended the National Comprehensive Literacy Institute July 30 –August 1, 2012 in Anaheim, CA to review and share the state comprehensive literacy plan, a guidance document to assist local schools and districts in the transition to the CCSS for English language arts and to gain additional information on transitioning to the CCSS from national experts as well as other states.
- ◆ CDE staff facilitated the Striving Readers Comprehensive Literacy (SRCL) Team meeting on August 6, 2012 in Sacramento, CA to finalize the state comprehensive literacy plan. The plan is a guidance document to assist local education agencies and the Instructional Quality Commission with the

implementation of the Early Learning Foundations for birth to age five children and the CCSS for English language arts for students in kindergarten through grade twelve.

- ◆ CDE staff participated in the CCSSO's Implementing the Common Core Standards summer meeting, August 16–17, 2012, in Seattle, Washington. The meeting focused on building the capacity of state agencies to support classroom level implementation of the CCSS in preparation for common assessments. Dialogue with national experts and across state teams focused on state support for shifts in curriculum and instruction, preparing general and special educators and students for the new assessments, and effective use of technology and other resources to support the CCSS and common assessments.

## **7. Design and establish systems of effective communication among stakeholders to continuously identify areas of need and disseminate information.**

- ◆ A summary of select outreach and communications activities of the CDE is provided in Attachment 2.
- ◆ An update from Senior Fellow Nancy Brownell regarding her outreach and communications activities is provided in Attachment 3.

## Select Common Core State Standards Outreach Activities of the California Department of Education: July–August 2012

California Department of Education (CDE) staff utilize a variety of established structures to collaborate closely with diverse Common Core State Standards (CCSS) systems implementation partners (e.g., county offices of education, the higher education community, educator professional associations, and other stakeholder organizations), providing regular implementation updates and engaging in dialogue to identify emerging challenges and opportunities. In addition, CDE staff conduct numerous presentations and workshops to facilitate CCSS-related professional learning for educators, participate in multi-state collaborations to share promising practices and learn more about the work of other states, and promote new CCSS-related resources via the CDE CCSS Web page and listserv.

**CDE staff conducted the following presentations/workshops to facilitate the CCSS-related professional learning of California educators:**

Date	Event
July 11	<b>California Education Roundtable Intersegmental Coordinating Committee</b> Topics included the development of the ELD standards, an overview and update regarding the Smarter Balanced Assessment Consortium (SBAC), the revision of the curriculum frameworks for mathematics and English language arts, the development of the Common Core State Standards (CCSS) professional learning modules, and the remodeling of the CDE CCSS Web page.
August 6	<b>Striving Readers Comprehensive Literacy (SRCL) Team meeting</b> The team met to finalize the state comprehensive literacy plan, a guidance document to assist local education agencies and the Instructional Quality Commission with the implementation of the Early Learning Foundations for birth to age five children and the CCSS for English language arts for students in kindergarten through grade twelve.
August 6–7	<b>California Teachers Association Summer Institute</b> CDE staff conducted presentations on resources for implementing the CCSS and an overview of the SBAC assessment system.
August 14–15	<b>Collaborating for Success: Implementing the Common Core State Standards in California</b> CDE staff conducted presentations on formative assessment and CCSS-related activities and resources from the CDE at this event hosted by WestEd, American Institutes for Research, and California Education Partners.



**CDE staff participated in the following multi-state collaborations to share promising practices and learn more about the work of other states:**

<b>Date</b>	<b>Event</b>
July 31– August 1	<b>National Comprehensive Literacy Institute</b> CDE staff reviewed and shared the state comprehensive literacy plan, a guidance document to assist local schools and districts in the transition to the CCSS for English language arts and gained additional information on transitioning to the CCSS from national experts as well as other states.
August 16–17	<b>Implementing the Common Core Standards Summer Meeting</b> The meeting, hosted by the Council of Chief State School Officers, focused on building the capacity of state agencies to support classroom level implementation of the CCSS in preparation for common assessments. Dialogue with national experts and across state teams focused on state support for shifts in curriculum and instruction, preparing general and special educators and students for the new assessments, and effective use of technology and other resources to support the CCSS and common assessments.

**Summary of Web-based Outreach Data:**

	<b>July</b>	<b>August</b>	<b>Growth</b>
Listserv Subscribers	4,436	4,625	189
Total Web Page Hits	104,089	Available September 1st	

## CCSS Implementation Outreach State Board and Department of Education Activities

**Engage partners in facilitating two-way communication and leverage local and state implementation activities.**

Dates/Events	Participants	Reflections and Insights
<p><b>June 18, 2012</b></p> <p>Attend California Office of Reform Education (CORE) 3-day Summer Design Institute</p>	<p><b>128 teachers</b> and academic coaches and <b>27 district leaders</b> – grades 3, 5, and 7 in math and grades 1, 4, 7, and 9 in ELA</p> <p><b>CDE/SBE Team:</b> Tom Adams, Laura Watson, Nancy Brownell</p>	<p>Teacher teams are working to develop CCSS aligned formative assessment items to be piloted in their schools, then reviewed for alignment to instructional goals and evidence of meeting the standards, and shared across the districts. Participants reflected on the value of their work over the three days, and shared their thinking about the importance of teachers designing assessments that measure students' knowledge of, understanding of, and ability to apply critical concepts in such a collaborative manner.</p> <p><b>Key Learning:</b> Full implementation of the CCSS, resulting new curricula, new assessments and educator effectiveness systems requires extensive professional learning and use of time.</p>
<p><b>July 9, 2012</b></p> <p>Present to Teachers College of San Joaquin on overview of CCSS Instructional Shifts, implementation timelines, and Smarter Balanced Assessment goals.</p>	<p><b>100 higher education faculty</b></p> <p><b>CDE/SBE Team:</b> Nancy Brownell</p>	<p>Higher education faculty discussed the implications of implementing the CCSS and the goals of more complex assessment measures within the context of their work with teacher preparation and induction. Their summer institute provides an opportunity to review courses and begin to transition the content to align to CCSS and new assessments.</p> <p><b>Key Learning:</b> Intersegmental collaborations must be thoughtfully planned, intentionally established, and rigorously implemented. Without the investment of time and attention to process and content of the discussions, the products of this work are likely to be inadequate, inconsistent, and difficult, if not impossible, to implement.</p>

## CCSS Implementation Outreach State Board and Department of Education Activities

Dates/Events	Participants	Reflections and Insights
<p><b>August 2, 2012</b></p> <p>Participate in planning call with CDE Team and CSBA leadership for their quarterly Superintendents' Advisory Meeting.</p>	<p><b>CSBA policy staff – Christopher Maricle</b></p> <p><b>CDE/SBE Team:</b> Deb Sigman, Barbara Murchison, Nancy Brownell</p>	<p>CSBA policy and programs staff is interested in partnering with CDE to develop informational webinars for board members related to governance and common core implementation.</p> <p><b>Key Learning:</b> Partnering with CSBA to develop informational resources for school board trustees has great potential for assisting district governance teams.</p>
<p><b>August 3, 2012</b></p> <p>Attend Placer County Office of Education (COE) CCSS Mathematics professional development series, day 5.</p>	<p><b>30 teachers of grades K-5 and 40 teachers of grades 6-12</b></p> <p><b>CDE/SBE Team:</b> Nancy Brownell</p>	<p>Elementary and secondary mathematics teachers engaged in a range of interactive learning opportunities where they explored what the standards look like in classroom instruction, discussed the need to better understand how to work with students and families to encourage more rigor and persistence in learning, and how to use their existing instructional materials and include more applied and real world learning tasks to the existing materials. The collegial conversations also focused on describing evidence of CCSS implementation by writing about what students and teachers would be doing differently in classrooms.</p> <p><b>Key Learning:</b> Smaller and rural districts need opportunities to partner with county offices, and other educational agencies, in order to collaborate on specific grade level considerations in prioritizing curricular and instructional shifts required of the CCSS.</p>

## CCSS Implementation Outreach State Board and Department of Education Activities

Dates/Events	Participants	Reflections and Insights
<b>August 14, 2012</b>  Present and attend WestEd 2-day conference on Collaborating for Success: Implementing the Common Core Standards in CA	<b>200 participants</b> from 31 districts, 12 COEs, and 31 partner agencies  <b>CDE/SBE Team:</b> Deb Sigman, Barbara Murchison, Nancy Brownell	<p>Teams from districts and county offices focused on learning about early implementation efforts of CCSS and heard from local, state, and national (Florida and Colorado) speakers. Teams discussed research on CCSS shifts in instruction, shared strategies and challenges from “early implementer” districts, and strengthened and explored potential collaborative opportunities. District implementation levels vary dramatically, from just beginning to “think about CCSS” to developing formative assessments at various grade levels, across the participating 31 districts and are indicative of what is happening across the state.</p> <p><b>Key Learning:</b> The need for differentiated technical assistance and resources for district efforts cannot be underestimated. There are multiple entry points to implementing common core standards and assessments. Developing strong leadership and internal processes for self-monitoring and reflection is where the focused, relentless discipline of school improvement lies.</p>
<b>August 15-17, 2012</b>  Attend Council of Chief State School Officers (CCSSO) Capacity Building Conference for state education agency teams	<b>CDE/SBE Team:</b> Deb Sigman, Patrick Ainsworth, Patrick Traynor, Meredith Cathcart, Barbara Murchison, Nancy Brownell	<p>Participation in these national meetings provides California with a reminder of the issues of scale and implementation challenges as a result of our size! Sessions focused on building understanding of Open Education Resources (OER) efforts underway across the country, developing strategies for designating CCSS aligned materials as OER, supporting shifts in curriculum and instruction, engaging special educators in the implementation of CCSS, and developing metrics for implementation. The CDE team reflected on topics presented, considered ways to include new information and resources into existing work, and consulted with other states on topics of interest.</p> <p><b>Key Learning:</b> All parts of the educational system have to work together. CDE plays a crucial and necessary role in describing and providing resources for how all the components of the educational changes under way need to fit together.</p>

## CCSS Implementation Outreach State Board and Department of Education Activities

Dates/Events	Participants	Reflections and Insights
<b>August 27, 2012</b>  Attend Leading Systems Development for the Implementation of the Common Core Standards Conference, sponsored by Santa Clara County Office of Education	<b>120 administrators</b> from 11 districts and 2 county offices, follow-up to the earlier summer event with 450 teachers.  <b>CDE/SBE Team:</b> Nancy Brownell	District teams are collaborating to strengthen their systems and structures to better ensure successful implementation of CCSS. Using the National Implementation Research Network conceptual framework and the key areas of district work (governance, curriculum, instruction and assessment alignment, fiscal operations, parent and community involvement, human resources, data systems and achievement monitoring, and professional development) teams discussed ways to integrate their initiatives related to implementation priorities. They discussed system readiness for scaled and sustainable implementation, and strategies for establishing effective district implementation teams and coherent plans.  <b>Key Learning:</b> As districts develop common core implementation plans, using the research on stages of implementation is another helpful construct for thinking through their actions so they are aligned to district goals and involve the district cabinet/leadership team in decision-making, and capacity building for leading. The team conversations throughout the day emphasized strategies for consensus building, professional learning and creating infrastructures of support for all administrators, teachers and staff.

### Summary Information for June – August Common Core Professional Learning – County Office of Education Partners

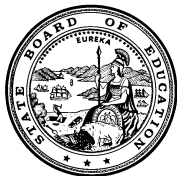
County Offices & Regions	Number of Events	Number of Participating Teachers	Number of Participating Administrators
43 of 58 County Offices provided data on individual and/or regional activities	<b>418</b>	<b>14,739</b>	<b>3,325</b>



# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM 3**



## CALIFORNIA STATE BOARD OF EDUCATION

### September 2012 AGENDA

#### SUBJECT

Adoption of the English Language Development Standards for California Public Schools, Kindergarten through Grade Twelve.

- ☒ Action
- ☒ Information
- ☐ Public Hearing

#### SUMMARY OF THE ISSUE(S)

The State Board of Education (SBE) adopted the Common Core State Standards (CCSS) for English language arts (ELA) in August 2010.

California *Education Code* Section 60811.3 (a), created by Assembly Bill (AB) 124 (Chapter 605, Statutes of 2011), requires that the State Superintendent of Public Instruction (SSPI), in consultation with the SBE, update, revise, and align the English language development (ELD) standards to the SBE-adopted CCSS for ELA.

#### RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE take action as deemed necessary and appropriate on the proposed ELD standards for California public schools, kindergarten through grade twelve. If the SBE does not adopt the proposed ELD standards and requests that revisions be made, the CDE recommends that the SBE designate SBE liaisons and staff to work with the CDE on any revisions necessary, including the finalizing of any appendices to bring back in November 2012 for final adoption.

#### BRIEF HISTORY OF KEY ISSUES

The SBE adopted the CCSS for ELA in August 2010. These standards became the current subject-matter standards in ELA. In October 2011, Governor Edmund G. Brown, Jr. signed AB 124 into law, which requires that the SSPI, in consultation with the SBE, update, revise, and align the ELD standards to the adopted CCSS for ELA. As mentioned during the March 2012 SBE meeting, the charge is to develop ELD

standards aligned by grade level comparable to, and as rigorous and specific as, the adopted CCSS for ELA.

In meeting these requirements, the SSPI had to convene a group of experts in English language instruction, curriculum, and assessment including individuals who have a minimum of three years of demonstrated experience instructing English learners (ELs) in the classroom at the elementary or secondary level. Also, AB 124 required two public hearings. Upon receiving the SSPI-recommended ELD standards by August 31, 2012, the SBE must adopt, revise, or reject the standards by September 30, 2012. If the SBE finds a need for modifications to the standards, the timeline for action by the SBE is extended to November 15, 2012. The ELD Standards Development Process Timeline is located on the CDE ELD Standards Web page at <http://www.cde.ca.gov/sp/el/er/eldstandards.asp>. The design and development of the proposed ELD standards were informed by multiple sources (See Attachment 1).

### **Proposed English Language Development Standards**

The CDE was charged with developing ELD standards aligned by grade level and comparable to, and as rigorous and specific as the adopted CCSS in ELA. ELs must simultaneously successfully engage in challenging academic activities while also developing proficiency in advanced English. The ELD standards are intended to support this dual endeavor by providing fewer, clearer, and higher standards. The proposed standards achieve this goal by:

- Highlighting and amplifying those CCSS that promote ELs' abilities to interact in meaningful ways during instruction so that they develop both English and content knowledge.
- Guiding teachers to build ELs' knowledge about how the English language works in different contexts to achieve specific purposes.

The CCSS emphasize specific linguistic processes (e.g. structuring cohesive texts) and linguistic resources (e.g. expanding sentences) that ELs need to develop for successful school participation. This emphasis required shifts from the current California ELD standards to the revised, proposed ELD standards. The key shifts include:

- From language acquisition as an individual process to language acquisition as a developmental linguistic and social process
- From language as structures or functions to language as action, subsuming structure, and function
- From English language acquisition as a linear and progressive process aimed at accuracy and grammatical correctness to English language acquisition as non



linear and complex developmental process aimed at comprehension and effective communication

- From the use of simplified texts with minimal context to the use of complex texts with ample context and temporary supports
- From the use of activities that pre-teach content or simply “help students get through texts” to the use of activities that scaffold students’ development and autonomy as part of learning and development
- From isolated, discrete, structural features of language to exploration of how language is purposeful and patterned to do its particular rhetorical work
- From traditional grammar as a starting point to access texts to multimodal grammar addressed within a context of texts and academic tasks
- From literacy foundational skills as one-size-fits-all, neglecting linguistic resources to literacy foundational skills targeting varying profiles of ELs, tapping linguistic resources

The proposed ELD Proficiency Level Descriptors (PLDs) and Standards Overview; ELD Standards by Grade Level; and Summary of Public Comments and Revisions are posted on the CDE ELD Standards Web page at <http://www.cde.ca.gov/sp/el/er/eldstandards.asp>.

## **ELD Standards Implementation**

The CDE has begun developing an ELD standards implementation plan and the plan will be presented to the SBE at a future meeting. The development of the implementation plan has included and will continue to include collaboration with internal and external stakeholders. Stakeholders include:

- COEs to support the implementation of the ELD standards in school districts and to also monitor the degree to which the ELD standards are implemented.
- Multiple CDE divisions to ensure alignment of the ELD standards, ELA/ELD frameworks, and language proficiency assessment.
- Common Core Systems Implementation Office to include the development and implementation of the ELD standards in the Common Core State Implementation Plan.

## **SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

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**July 2012:** The CDE presented an overview of the ELD standards development process. The CDE also provided a detailed briefing on the draft proficiency level descriptors and ELD standards template.

**May 2012:** The CDE presented a summary of the key activities regarding the revision of the ELD standards, including a summary of the results of the focus groups and the panel of experts selection process.

**March 2012:** The CDE presented the timeline and provided a summary of the key activities regarding updating, revision, and alignment of the ELD standards to the SBE-adopted CCSS for ELA.

**October 2011:** Governor Edmund G. Brown, Jr. signed AB 124 (Chapter 605, Statutes of 2011).

**August 2010:** Pursuant to SBX5 1 (Chapter 2, Statutes of 2011), the SBE adopted the academic content standards in ELA and mathematics as proposed by the California Academic Content Standards Commission.

**July 1999:** The SBE adopted the ELD standards for California public schools.

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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\$200,000 in Title I local assistance carryover funds were used for costs incurred by the CDE.

## **ATTACHMENT(S)**

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Attachment 1: English Language Development Standards Chronology of Design and Development Input (2 Pages).

## **English Language Development Standards Chronology of Design and Development Input**

The entire ELD standards development, adoption, and implementation process was overseen and led by the Director of the English Learner Support Division. In order to accomplish this important work in the required time frame, the CDE agreed to collaborate with the California Comprehensive Assistance Center at WestEd. Specifically, WestEd's California Comprehensive Center, in partnership with the Assessment and Standards Development Services Program at WestEd, worked in concert with CDE to analyze current California ELD standards relative to the new California ELA standards; review information on other states' and organization's (e.g., Kansas, Arizona, World-Class Instructional Design and Assessment ) ELD standards revision and alignment efforts; analyze statewide public and expert input on revision parameters; draft the proposed ELD standards; and revise them as needed based on stakeholder review and feedback.

The design and development of the proposed ELD standards were informed by multiple sources. These include:

- **Focus Groups**

The CDE convened five focus groups across the state. Focus groups were held at the CDE (February 14, 2012), Ventura (February 16, 2012), Alameda (February 21, 2012), Los Angeles (February 22, 2012), and San Diego (February 23, 2012) County Offices of Education.

- **Panel of Experts**

The panel of experts convened five times between March 2012 and August 2012.

- March 19, 2012
- April 30–May 1, 2012
- May 21–22, 2012
- June 21–22, 2012
- August 22, 2012

Audio recordings and written transcriptions for each of the panel of experts meetings are located on the CDE ELD Standards Web page at <http://www.cde.ca.gov/sp/el/er/eldstandards.asp>.

- **Public Hearings and Review/Comment Period**

Two public hearings were held on July 24, 2012 at CDE and July 26, 2012 at the Los Angeles County Office of Education to receive public input on the draft standards. In addition, written comments relevant to the draft standards were accepted between July 5, 2012 and August 6, 2012. The draft standards for

public review and comment that included the ELD Standards Introduction and PLDs; ELD Standards Template, and Draft ELD Standards by Grade Level are located on the CDE ELD Standards Web page at <http://www.cde.ca.gov/sp/el/er/eldstandards.asp>.

A summary of the oral and written comments from the public hearings and comment period are posted on the CDE ELD Standards Web page at <http://www.cde.ca.gov/sp/el/er/eldstandards.asp>.

- **California Department of Education Staff**

Four WebEx meetings and two trainings with staff from divisions of English Learner Support; Curriculum Frameworks and Instructional Resources; Professional Learning Support; Assessment Development and Administration; and Analysis Measurement, and Accountability Reporting were held for staff to review and provide input on multiple drafts of the standards.

- **External Stakeholder WebEx/Webinar Meetings**

Two WebEx meetings on July 16, 2012 and July 23, 2012 were held to provide educators from across California an overview of the proposed revised ELD standards and solicit their input. A Webinar on July 23, 2012 for educators from other states was also provided.

- **Research, Theory, and Best Practice**

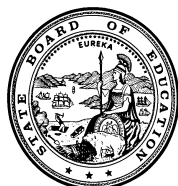
Research and theory on second language acquisition/development, English as a second language, academic language, the instruction of ELs; *Framework for English Language Proficiency/Development Standards Corresponding to the Common Core State Standards and the Next Generation Science Standards* (CCSSO et al., 2012); *Framework for High-Quality English Language Proficiency Standards and Assessments* (AACC, 2009).



# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM 4**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### SUBJECT

Update on the Activities of the California Department of Education Regarding the Development of the Superintendent's Recommendations on the Future Assessment System in California.

- ☐ Action
- ☒ Information
- ☐ Public Hearing

#### SUMMARY OF THE ISSUE(S)

California *Education Code (EC)* Section 60604.5 requires the State Superintendent of Public Instruction (SSPI) to develop recommendations, including a plan to transition to a new system, for the reauthorization of the statewide pupil assessment system. This agenda item is the fifth in a series of regular updates to the SBE to gather feedback from SBE members as well as the public.

The California Department of Education (CDE) is providing the SBE an update on the activities on the reauthorization of the statewide assessment system since the July State Board of Education (SBE) meeting. These activities, and future activities, will provide the SSPI with information to assist in the development of recommendations pertaining to the reauthorization of the statewide pupil assessment system, including a plan to transition to high-quality assessments, which are due to the Legislature in fall 2012.

#### RECOMMENDATION

The CDE recommends that the SBE engage in continued discussions regarding the reauthorization of the statewide pupil assessment system.

#### BRIEF HISTORY OF KEY ISSUES

Over the past several months, the CDE, the SBE, educational stakeholders, technical experts, and members of the public have been engaged in various discussions about the future of the assessment system in California. To date, five of the six Work Group meetings (March, April, May, June, and July 2012), all five regional public meetings, and two focus groups have taken place. Agendas and presentations from these meetings

are available on the CDE Reauthorization Web page at <http://www.cde.ca.gov/ta/tg/sa/ab250.asp>. This update includes suggestions from the Work Group regarding minimizing testing time and making use of test administration and scoring technologies discussed in the June 12-14 Work Group meeting. The following table provides some of these stakeholders' general suggestions.

### **Suggestions From Work Group Members**

Minimize Testing Time	<ul style="list-style-type: none"><li>• Use an assessment for multiple purposes to reduce redundancies</li><li>• Consider end-of-course or Smarter Balanced Assessment Consortium (SBAC) grade eleven assessments to be submitted to colleges/universities in place of SAT Reasoning Test or American College Test (ACT). These might also be used to fulfill the high school graduation requirement.</li><li>• Explore using matrix sampling to streamline testing</li></ul>
Make Use of Test Administration and Scoring Technologies	<ul style="list-style-type: none"><li>• Integrate technology into instruction to encourage early exposure to technology</li><li>• Utilize computer-based delivery methods for non-SBAC assessments</li><li>• Explore using a blended scoring model with automated scoring for mechanics and other such qualities and human scoring for depth of knowledge, expression, and other complex skills.</li></ul>

Since the July SBE meeting, the fifth Work Group meeting was held on July 25–26, 2012. A summary of discussions from the July 2012 Work Group meeting are provided in Attachment 2. The summary is to include, but not be limited to, input and suggestions regarding the alignment of assessments to California's Common Core State Standards (CCSS) and priorities for transition from the July Work Group meeting. In the July 2012 Work Group meeting, participants provided input and suggestions regarding aligning the assessments to California's CCSS utilizing a digest from the first area of consideration (see Attachment 1).

In addition to input gained from the public at regional public meetings and Work Group meetings, CDE staff continue to receive input and suggestions in the e-mail account ([reauthorization@cde.ca.gov](mailto:reauthorization@cde.ca.gov)) and the assessment reauthorization survey. The first set of focus groups were conducted in late July 2012 and will continue through August 2012. These avenues provide further opportunity for the public, educators, parents, students, and business leaders to engage in the reauthorization process. Preliminary results from the assessment reauthorization survey and focus groups are provided in Attachment 3. Furthermore, draft purpose(s) and themes regarding the 16 areas of consideration are provided in Attachment 4.

Additionally, California may be part of a consortium involved in developing an English Language Proficiency Assessment. In response to an Enhanced Assessment Grant (EAG) application from the U.S. Department of Education to develop an English Language Proficiency Assessment that is aligned to the Common Core State Standards (CCSS), the English Language Proficiency Assessment for the 21<sup>st</sup> Century consortium (ELPA21) was formed. A proposal was submitted on June 14, 2012 by Oregon, the lead state and fiscal agent, in partnership with California and eleven other states, Stanford University, and the Council of Chief State School Officers (CCSSO). ELPA21's proposed assessment design is intended to ensure the valid, reliable, and fair assessment of the critical elements associated with English language acquisition and mastery of the linguistic skills linked to success in mainstream classroom environments. The deliverables for the diagnostic screener and summative components of ELPA21 will include open source: performance level descriptors, item banks for practice and for operational delivery, psychometric scale, performance levels (cut scores), test design and delivery specifications, test specifications and blueprints, professional development resources, and administration and security protocols. Notice of funding is expected to occur in late summer.

## **SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

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*EC* Section 60604.5 requires the SSPI to develop recommendations for the reauthorization of the statewide pupil assessment program, which includes a plan for transitioning to a system of high-quality assessments as defined in *EC* Section 60603. While the law specifically addresses the current Standardized Testing and Reporting (STAR) Program, the CDE's position is that it is appropriate to consider other current California statewide assessments, including, but not limited to, the Early Assessment Program, which utilizes specific STAR assessments, and the California High School Exit Examination.

The SBE received updates regarding the statewide assessment reauthorization activities, including Work Group summaries in July, May, and March 2012.

The requirements pursuant to *EC* Section 60604.5 to develop the SSPI's recommendations, including a plan for transition, for the reauthorization of the statewide pupil assessment system and proposed activities were provided to the SBE in January 2012.

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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The activities to develop the recommendations, including a plan for transitioning to a high-quality assessment system, will cost approximately \$150,000. The activities are being implemented through the Communications contract using state and federal local assistance funds.



**ATTACHMENT(S)**

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Attachment 1: Digest Regarding Aligning the Assessments to California's Common Core State Standards (2 pages)

Attachment 2: Summary of Discussions from the July 2012 Work Group Meeting (2 pages)

Attachment 3: Preliminary Results from the Assessment Reauthorization Survey and Focus Groups (4 pages)

Attachment 4: Draft Purpose(s) and Themes Regarding the 16 Areas of Consideration (2 pages)

## **Digest Regarding Aligning the Assessments to California's Common Core State Standards**

California *Education Code* Section 60604.5 directs the State Superintendent of Public Instruction to provide recommendations for the reauthorization of the statewide pupil assessment system that includes a plan for transitioning to a system of high-quality assessments. The bill identifies 16 considerations that are to be included in the plan. The first, aligning the assessments to the standards adopted or revised pursuant to *EC* Section 60605.8 (California's Common Core Content Standards), was discussed in the July 2012 Work Group meeting.

### **Guiding Questions**

1. What are the implications of the 15% for the assessment system? (e.g., advantages, disadvantages, etc.)
2. What roles should the state, county, or local educational agency have in assessing the 15%?

### **Background**

The Common Core State Standards (CCSS) were developed through a state-led initiative to establish consistent and clear education standards for English language arts and mathematics that would better prepare students for success in college, career, and the competitive global economy.

In January 2010, Senate Bill 1 from the Fifth Extraordinary Session (SB X5 1) established the Academic Content Standards Commission (ACSC) to develop academic content standards in English-language arts and mathematics. The ACSC was composed of members appointed by the Governor and the Legislature, the majority of whom were current public school elementary or secondary classroom teachers. The ACSC was authorized to make recommendations to the SBE to approve or disapprove the CCSS, and to supplement those standards with up to 15 percent additional standards. The ACSC met four times in June and July 2010, and provided its recommendations to the SBE on July 15, 2010. The SBE voted unanimously to adopt the recommendations of the ACSC, including California specific standards, on August 2, 2010.

All of California's content standards provide detailed expectations for what students should know and be able to do at each grade level. The ultimate goal of the education system in California is to ensure that all students have access to high-quality curriculum and instruction in order that they may meet or exceed the knowledge and skills outlined in the state's academic content standards.

The CCSS Systems Implementation Plan for California was approved on March 7, 2012, by the State Board of Education. This systems implementation plan is a living document that identifies major phases and activities in the implementation of the CCSS

throughout California's educational system.

The Smarter Balanced Assessment Consortium focus is on assessing students annually in grades three through eight in English-language arts and mathematics and in grade eleven under current federal requirements. These assessments will be built on the CCSS.

## Resources

- California Common Core State Standards for English–language arts and mathematics  
<http://www.cde.ca.gov/re/cc/>
- California's Systems Implementation Plan  
<http://www.cde.ca.gov/re/cc/>
- *A Look at Kindergarten Through Grade Six in California Public Schools: Transitioning to the Common Core State Standards in English Language Arts and Mathematics*  
<http://www.cde.ca.gov/ci/cr/cf/grlevelcurriculum.asp>
- *A Look at Grades Seven and Eight in California Public Schools: Transitioning to the Common Core State Standards in English Language Arts and Mathematics*  
<http://www.cde.ca.gov/ci/cr/cf/grlevelcurriculum.asp>

## Summary of Discussions from the July 2012 Work Group Meetings

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### Purpose

California *Education Code* Section 60604.5 requires the State Superintendent of Public Instruction (SSPI) to consult with specific stakeholder groups in developing recommendations for the reauthorization of the statewide pupil assessment system. The recommendations are due to the fiscal and appropriate policy committees of the Legislature by November 1, 2012. To facilitate this process, a Statewide Assessment Reauthorization Work Group was formed to provide input and suggestions to the SSPI. The Work Group includes representatives from the State Board of Education, the Public Schools Accountability Act committee, measurement experts, experts with experience in assessing students with disabilities (SWDs) and English learners (ELs), teachers, administrators, local governing board members, and parents.

The purpose of the fifth meeting was to have Work Group members provide input and suggestions on the final area of consideration outlined in statute: aligning the assessments to the California Common Core State Standards. In addition, members had the opportunity to review the synthesis of main ideas based on the first four meetings, provide feedback on the proposed California assessment system chart, hear presentations from the two alternate assessment consortia regarding their plans for students with significant cognitive disabilities, and identify priorities for transition.

### Aligning to the California CCSS Outcomes

Some of the input and suggestions offered by the Work Group members included the following:

- State assessments are not the only way to demonstrate student proficiency with standards. Consideration should be given to providing rubrics for teachers to score performance of selected standards or provide examples of how certain standards could be locally assessed. It is important that the state communicate the importance of addressing the additional 15 percent standards.
- Local educational agencies may want to look at aspects of the 15 percent additional standards for consideration in local measures and to address specific student needs.
- All standards do not need to be included in state assessments and reporting or accountability. Consider using the School Accountability Report Cards, local report cards, or other reporting tools, which also convey to parents and the community about standards and achievement that are important to the curriculum.

### Proposed California Assessment System Outcomes

Some of the input and suggestions offered by the Work Group members included the following:

- Summative assessments need to include assessments for all high school courses through grade twelve. The state assessment system will need to include end-of-course exams for all non-Smarter Balanced grades and courses.
- A plan should be developed to sequentially roll out the assessments by subject and grade. For example, roll out science assessments first at the high school level, followed by middle school, and then elementary school.
- The rollout of the other assessment components (i.e., primary language, alternate, formative, interim, and diagnostic) should be designed to ensure that these assessment components are rolled out before or at the same time as the corresponding grade/subject summative assessments.
- Work Group members suggested the California Department of Education assessment and special education staff, along with staff from other organizations involved with students with disabilities, join together to carefully review, investigate, and select joining one or both consortia as soon as practicable.

### **Summary of Public Comment**

Following each presentation and Work Group discussion, time for public comment was offered. The following comments were offered during the Work Group meeting:

- The lack of quality science instruction is due, in large part, to the current lack of quality science assessments aligned with good ways to teach science (i.e., performance based).
- Two pathways and two tests for grade eight mathematics are recommended. This is because by grade eight some students are ready for Algebra I and others are not. Having a computer-adaptive test for grade eight would be one solution to this need, but there are still unknowns regarding how Smarter Balanced Assessment Consortium (SBAC) will develop this adaptive assessment. If a fixed-format assessment is utilized, two tests will be needed and these will need to be put on a common scale of measurement.
- California needs to select an assessment consortium for students with significant cognitive disabilities. By making a decision now, California will be able to start planning for a transition and participate in any beta testing activities.
- Matrix testing or sampling has recently become a popular suggestion and notion; however, matrix sampling is a complex idea that requires considerable expertise to be implemented properly. A careful analysis should be carried out of the possible approaches to matrix sampling available to a state like California, including the number of test forms and schools needed.

## **Preliminary Results from the Assessment Reauthorization Survey and Focus Groups**

### **Purpose**

The purpose of the focus groups and survey is to gather information from specific stakeholders regarding the reauthorization of the statewide pupil assessment system. The revised California *Education Code* Section 60604.5 directs the State Superintendent of Public Instruction to provide recommendations, including a transition plan, regarding the statewide assessment reauthorization to the Legislature in late fall 2012. There are 16 areas to consider which are outlined in statute. Focus groups and the assessment reauthorization survey are a few of the avenues the CDE has created to gather public input and suggestions regarding the future system. The survey is open to all Californians.

### **Organization**

The focus groups include groups of teachers and administrators, parents and students, English–language arts and mathematics teachers, business leaders, and higher education. This attachment provides preliminary results from the teachers/administrators and parents/students focus groups. Additionally, it contains preliminary results from the assessment reauthorization survey. The focus group questions paralleled those on the survey.

### **Preliminary Focus Group Results**

Teachers/Administrators: Some of the input and suggestions offered by the participants included the following:

- There is a need for assessments that can be used to gauge progress or growth both within the year and from year to year, especially for English learners, students with disabilities, and other subgroups. It is also important that the assessment system provide information about progress toward college and career readiness.
- More detailed results are needed that can be used to determine if students, especially those at risk of not succeeding in school, are making progress with respect to specific standards and skills within the standards. The detail would help teachers make sure they are teaching students the specific skills they need.
- Timeliness of results is most essential. To be most informative to teachers in terms of student learning, the results need to be available before the students have moved on to another course or grade.
- The decisions about which grades and subjects to assess should start with SBAC assessments and be driven by a goal of bringing focus and coherence to the whole system and minimizing testing. Assessments should be used for multiple purposes.

- Teacher access to a robust item bank and interim or progress-monitoring assessments would be welcomed resources, but results should not be used for accountability purposes. The results could be shared among teachers in collaborative settings, but they would not be publically displayed or reported.
- Any costs associated with assessment resources will result in some equity and access challenges, unless the state provides support to cover the costs.
- County offices of education could have responsibilities around interim assessment development and professional development.
- Technology is critical and can make a difference for students with disabilities in assessing their knowledge and progress. It needs to be an integral part of instruction and assessment for all students.

Parents/Students: Some of the input and suggestions offered by the participants included the following:

- With SBAC, students would only receive information in grade eleven about their academic performance in high school. Parents noted this would only allow one year (i.e., grade twelve) for students to address weaknesses and catch up. They feel it is important to get assessment results earlier to determine whether students are on track to go to college or the workforce.
- There needs to be more and better communication to students about the importance of the tests and the information they provide to them and their parents.
- Results need to provide a “roadmap” of where the student is going with their achievement. In addition, a collective accumulation of the assessment results could be used to help “paint” a more complete picture of student progress.
- Ensure accommodations and modifications are consistently provided in the classroom as well as in statewide assessments.
- Do not include assessments that cover multiple grades (e.g., grade eight history test which assesses standards from grades six, seven, and eight) or assess content covered in previous grades. Also, the assessments should not cover content that has not been taught. This would ensure the assessments are better aligned to what the teacher is teaching and the student is learning.
- There is a desire to evaluate student change or growth from the beginning to the end of the year and track progress over time.
- Consider positive incentives for students for high performance on the assessments, such as bumping up a grade by one letter, getting extra credit in the following year course, being waived from summer school requirements, or use in initial screening for gifted and talented or other programs.

## **Preliminary Survey Results**

The Assessment Reauthorization Survey, available in both English and Spanish, opened on July 5, 2012, and closed on August 31, 2012. Questions included selected response items and open-ended items. Preliminary selected response results are being provided for the purpose of this Board update. Between July 5, 2012 and August 15,

2012, there were 1,469 survey respondents. The following table provides the respondent roles.

440	District or county office of education administrators
438	K–8 teachers
225	School administrators
220	9–12 teachers
89	Members of professional organizations
46	Parents
29	Community members
2	Students

In response to the question: Which content would you like to see assessed and at which grade levels, responses included:

- Support for the testing of English–language arts (ELA) and mathematics in grades three through eleven.
- Noticeably less support for the testing of English–language arts (ELA) and mathematics in grade two.
- Support for the testing of science and history–social science (HSS) in grades five through eleven.
- A majority of respondents did not support the state testing students in kindergarten and grade one.

The following table provides the percentage of respondents indicating “important” or “very important” in response to the question: How important is it that these type(s) of assessment(s) are included in the California assessment system?

Type of Assessment	Important or Very Important
Diagnostic	86%
Formative	81%
Interim	64%
Summative	30%

- Diagnostic and formative assessments are viewed as the most important.
- Interim assessments are viewed important, although not as important as diagnostic and formative assessments.
- Summative assessments are viewed as the least important.

In response to the question: What are the most important factors that should be considered (including accommodations and modifications) to ensure assessments are valid for English learners (ELs), respondents indicated:



- The most important factor is that ELs are provided the opportunity to learn with rigorous high-quality instruction.
- Two additional important factors are providing clear guidelines about EL eligibility for accommodations and modifications and making professional development available about teaching ELs and providing accommodations and modifications.
- The least important factor is providing primary language assessments for eligible ELs.

In response to a similar question: What are the most important factors that should be considered (including accommodations and modifications) to ensure assessments are valid for students with disabilities (SWDs), respondents indicated:

- The most important factor is that professional development is available about teaching SWDs and providing appropriate accommodations and modifications.
- Three additional important factors are providing SWDs the opportunity to learn with rigorous high-quality instruction; making modified assessment available for eligible SWDs; and ensuring clear guidelines are provided about eligibility for accommodations and modifications.
- The least important factor is ensuring a researched-based rationale supports the selection of curriculum, teaching practices, and the use of accommodations and modifications for SWDs.

Finally, the following table reflects the percentage of respondents indicating “Yes” to the final selected response question: How should the results from the future assessment system be used? Participants were able to select multiple responses.

Feedback to students, parents, or teachers	87%
Accountability for students (e.g., grades)	53%
Accountability for schools	50%
Public information on the quality of schools or school districts	44%
Accountability for teachers	42%
Accountability for administrators	39%
Rewards or awards for students or schools	24%

- The strongest level of support is for the use of statewide assessment results as a tool to provide feedback to students, parents, or teachers.
- The weakest level of support is for the use of statewide assessment results as a tool to provide rewards or awards for students or schools.

## **Draft Purpose(s) and Themes Regarding the 16 Areas of Consideration**

### **Purpose of the Assessment System**

As an activity, Work Group members constructed multiple purposes for the future statewide assessment system. This activity was one of the first completed as all meeting discussions connected back to the purpose(s) of the system. Upon offering a suggestion, Work Group members were asked to link the suggestion to one or more purposes. This activity was integrated into each of the Work Group meetings as they provided further input and suggestions.

The following purpose statement extends beyond the classroom to include measuring growth and ensuring college and career ready students and is based on suggestions offered by Work Group members:

*The purpose of the California assessment system is to improve teaching and learning of the Common Core State Standards by including a variety of valid types of assessments that model and promote high-quality instruction and learning and promote the appropriate use of technology. In addition, the system should produce valid and timely information that can be used to inform decisions for all students such as, but not limited to, the determination of academic progress, college- and career- readiness, program effectiveness, and the allocation of resources. The foremost goal is to prepare students for success in the 21<sup>st</sup> century classroom and workplace.*

### **Preliminary Emerging Themes**

The California Department of Education provided numerous opportunities for Californians to offer their input and suggestions regarding the reauthorization of the California assessment system. These opportunities included attending regional public meetings, completing the assessment reauthorization survey, participating in a focus group, attending a Work Group meeting, and providing input via the Reauthorization e-mail account. Data analysis will be finalized once all input is received.

Some preliminary common themes emerged from the multiple stakeholder input opportunities as outlined below:

- The system should include a variety of types of valid assessments (e.g., diagnostic, formative, interim, summative) that can be used for multiple purposes, including measuring growth across years and within a year.
- The system should be equitable and accessible to all students and subgroups; include a variety of item types; include assessments that are aligned to the adopted standards; and consider matrix sampling at various grade levels and content areas.

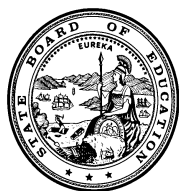
- In addition, the system should focus on diagnostic assessment and formative assessment practices and tools in the early grades (K–1); diagnostic assessment, formative assessment practices and tools, and interim assessment in grade two; and all four types of assessment in grades three through eleven. Depending on the grade level, the system should include assessment in science, history–social science, English–language arts, and mathematics.
- Ideally, the system would provide teachers access to a robust item bank and interim assessments, timely and accurate results to improve teaching and learning, and ongoing professional development.
- Finally, the system should yield valid and reliable results, including information on student progress toward meeting the standards and being college and career ready.



# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM 5**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

SUBJECT	
Standardized Testing and Reporting Program: One-Year Extension of Educational Testing Service Contract.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing



#### SUMMARY OF THE ISSUE(S)

Assembly Bill 250 (2011, Brownley) amended California *Education Code (EC)* Section 60601 to extend the Standardized Testing and Reporting (STAR) Program by one year to become inoperative on July 1, 2014, and would repeal the act as of January 1, 2015. There is currently no contract to cover the final 2014 test administration of the STAR Program. The current STAR contract with Educational Testing Service (ETS) ends December 31, 2013, with the completion of the 2013 test administration.

#### RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve an amendment to the current STAR Program Contract with ETS to extend the contract period for one year to cover the 2014 test administration, which is not to exceed the scope of work tasks and costs approved for the 2013 test administration.

#### BRIEF HISTORY OF KEY ISSUES

*EC* Section 60643 stipulates that the CDE develop and the SBE approve the STAR contract and allows the STAR contract to be developed through negotiations with the publisher. State law does not stipulate the length of the contract or designation of the contractor.

The CDE used a competitive-bid request for submissions (RFS) process to recommend ETS as the STAR contractor to the SBE. A STAR RFS process takes approximately 12 to 15 months to accommodate participation of all stakeholders from beginning development of the RFS to a final negotiated contract. The content of a RFS is developed by the CDE, working with SBE staff and SBE testing liaisons. The submissions received from bidders are reviewed and evaluated by CDE staff, SBE staff, SBE testing liaisons, and representatives from local educational agencies. The CDE presents the evaluation results along with the total of each bidder's cost proposal and

makes a recommendation for the contractor to the SBE. Once the SBE designates a contractor, the final contract scope of work and budget are finalized through negotiations with the designated contractor, CDE staff, SBE staff, SBE testing liaisons, and Department of Finance staff.

With the recommended one-year extension, the ETS contract would end December 31, 2014, and would cover all tasks related to the 2014 test administration. The one-year extension would guarantee the continuance of existing contractor support systems and materials for local educational agencies and CDE-approved test specifications and business rules in place with the existing contractor and its subcontractors to ensure (1) the standardization of the entire test administration process and (2) the validity and reliability of test results for the administration of the STAR assessments required for accountability and federal reporting and application uses. This one-year extension would also allow additional time to incorporate future federal guidelines, legislative proposals to reauthorize the STAR Program, and/or the administration of the SMARTER Balanced Assessment Consortium (SBAC) assessments addressing the Common Core State Standards (CCSS) into a future RFS. Postponing the development of an RFS would also allow the CDE to invest its limited resources and staff time to focus on vital ongoing reauthorization and SBAC activities. An update of current contract activities related to transitioning to the CCSS is provided in Attachment 1.

## **SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

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**March 2012:** The SBE approved an amendment to the current STAR Program contract with ETS to implement enhancements to the current STAR Program that will support the state's transition activities to the common core state standards and a new assessment system.

**July 2010:** The SBE approved a two-year extension of the STAR Program contract with ETS for the 2012 and 2013 test administrations, with the condition that ETS restore the grade four writing component to the ELA CST and CMA tests with no further compensation as well as develop a longitudinal growth model at no additional cost to the state.

**September 2008:** The SBE approved a two-year extension of the STAR Program contract with ETS for the 2010 and 2011 test administrations.

**November 2005:** The SBE accepted the recommendation of the State Superintendent of Public Instruction to designate ETS as the STAR contractor and approved the resulting negotiated contract in March 2006.

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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The funding for the STAR Program is an annual budget appropriation. The appropriation from each fiscal year funds the overlapping contract activities for three separate test administrations of the STAR Program. For example, in fiscal year 2012–13, costs will be

incurred to score and report the 2012 test administration; complete test construction and administration activities for the 2013 administration; and start-up activities for the 2014 administration. The funding necessary for the current contract is included in the fiscal year 2012–13 budget, including \$2.5 million in unencumbered funds budgeted for initial start-up activities for the 2014 administration. The tasks for the 2014 test administration will cover fiscal years 2012–13 (six months), 2013–14 (12 months), and 2014–15 (six months). Any changes to the STAR contract that result in additional costs beyond the amounts set forth in the state budget each fiscal year are not valid without prior approval by the Department of Finance and the SBE.

#### **ATTACHMENT(S)**

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Attachment 1: STAR Initiatives Designed to Support the California Department of Education's Transition to New Assessments (3 pages)

## **STAR Initiatives Designed to Support the California Department of Education's Transition to New Assessments**

### **Early Reporting for 2013**

#### **Quick-Turnaround Reporting for the California Standards Tests and California Modified Assessment**

Reducing the turnaround time for providing student scores on the California Standards Tests (CSTs) for the 2013 Standardized Testing and Reporting (STAR) test administration year is part of the plan for Transitioning to New Assessments. A goal is to deliver student scores electronically within 10–12 working days of the receipt of test materials from local educational agencies (LEAs). District STAR coordinators shall have quicker access to files containing student results.

Quick-Turnaround Reporting provides up-to-date information to teachers so they can make informed decisions using data that are provided to them in a timely manner. Electronic postings also reduce the amount of time needed to disseminate new information.

The highest level of quality industry standards shall continue to be applied to ensure that all test keys and scoring tables are applied correctly. The Educational Testing Service (ETS) is currently working with the California Department of Education (CDE) to update the 2013 reporting specifications so that student-level results for the CSTs and California Modified Assessment (CMA) may be posted electronically in spring 2013.

#### **Paperless Aggregate Reporting**

The ETS Data Manager for STAR is an interactive data analysis tool that presents STAR data results in a variety of views including lists, tables, and charts. Users will be able to create their own ad hoc reports, view and print reports, and download data for import into other programs such as student information systems. Through a browser based graphical user interface, users will be able to select specific test administrations for analysis.

Use of the ETS Data Manager represents a significant improvement over paper reports. Users shall also be able to select and apply filters to apply to selected data. This will allow for schools to disaggregate data by grade, gender, ethnicity, and a variety of other demographic data.

Paperless aggregate reporting will provide educators with information and tools that allow them to conduct ad hoc studies that provide greater flexibility in being able to meet their individualized information needs. To ensure that the needs of districts/schools are met, focus groups have been scheduled in October 2012 to obtain valuable input. Recommendations from the focus group will be provided to the CDE.



## **Transitional CST Alignment to Common Core State Standards (CCSS) for English–Language Arts (ELA) and Mathematics**

The plan for Transitioning to New Assessments includes continued refinement of the Sacramento County Office of Education (SCOE) crosswalk, which shall continue to be used in the process of aligning current test items with CCSS. Refinement of the crosswalk will allow for a better determination of content standards alignment. The process requires continued participation and input from California teachers, who shall provide feedback. The final version of the crosswalk shall be presented to the CDE to guide blueprint revisions. Recommendations shall be provided to the CDE to refine existing blueprints to better align current test items with the California CCSS. Refined blueprints would be used to identify current test items that are most closely aligned with the CCSS.

This transitional alignment shall result in new information that can be used to create opportunities for teachers, parents, and students to understand changing expectations with regard to current test items that are most closely aligned with CCSS.

### **CST Item Bank Alignment to the CCSS**

After crosswalks are finalized, there will be a review of the California item bank to identify the viable ELA and mathematics items for CST that align to the CCSS. The state's plan emphasizes the need for a bank of test items that are closely aligned with the CCSS so that relevant and useful information about the transition to the CCSS may be provided to educators and parents through enhanced CST Student Reports and on the STAR Sample Questions Web site. In addition, the aligned item bank will provide valuable information to the state by identifying items that are best aligned with the CCSS.

The initial item bank alignment is expected to be completed by December 2012. Continual refinements to the item bank alignment will continue through early 2013, with the goal of finalizing the item bank to inform the work that is required to enhance the current CST student reports and the STAR Sample Questions Web site.

### **Transitioning to Enhanced CST Student Reports**

The plan for Transitioning to New Assessments requires enhancement of current CST Student Reports by including information about how well students perform on test items that are most closely aligned with the CCSS (assuming such standards continue to be assessed in the manner that they are currently assessed). This information will assist parents, students, and teachers by providing the types of information that may assist them in transitioning to new standards and assessments. The 2013 CST Student Reports shall provide results that are aligned to current standards and shall also provide additional information that may be used to further assess how students perform on items that are more closely aligned with the CCSS.

Currently, ETS and the CDE are updating the 2013 CST student reports specifications to consider ways to accurately include CCSS information. ETS plans to have the report specifications approved by the CDE by December 31, 2012, with the new student reports prototypes becoming available shortly thereafter.

## **CCSS Information on STAR Sample Questions Web site**

As part of the CDE's plan for Transitioning to New Assessments, <http://starsamplequestions.org> shall be enhanced by identifying test items that were developed for current standards that align with CCSS. This new information shall be added to further support the process of transitioning to new assessments. Such information will provide teachers, parents, and students with a better understanding of the types of current test items that are most closely aligned with the CCSS. To ensure that the revised Web site provides the CCSS information in the best way possible, ETS will conduct a stakeholder focus group in early October. The focus group will consist of teachers and parents who are the target audience for the Web site. ETS plans to use the recommendations from the focus group along with the item bank alignments described above to update the STAR Sample Questions Web site with relevant CCSS information. The updated Web site is expected to be released by March 2013.

## **Computer-based Testing (CBT) Tryout and Special Studies**

The CDE's plan for Transitioning to New Assessments includes providing opportunities for schools to explore and experience how "High-Quality Assessments" that include the use of technology-enhanced items (TEI) shall be used to measure students' knowledge, understanding, and ability to apply critical concepts through the use of a variety of test items (e.g., TEI) and formats. As part of the CDE's plan, science is being assessed through the use of Computer-based Testing (CBT) in October 2012. The CBT "Tryout" will include TEI to provide students and teachers an opportunity to experience the types of assessments and assessment items that are more likely to reflect continually evolving changes in testing. Currently, ETS is actively recruiting schools for participation and has received positive feedback from many districts. The CBT Tryout gives schools and districts ample opportunity to participate in a virtually no-risk situation and to provide feedback on the computer testing experience so that California can apply lessons learned well in advance of changes in test administration that may occur in 2015.

Data shall be gathered for the October Tryout to determine the future needs of California schools as the process of Transitioning to New Assessments continues to evolve. Finally, the Tryout has been designed to assess the state's ability to use technology to transform current classrooms into 21<sup>st</sup> century classrooms that successfully prepare students for global opportunities. Use of technology also plays a vital role in minimizing the amount of time needed for testing depending on the types of assessments that are administered. A report of the CBT Tryout will be submitted to the CDE in November 2012. The report will include summaries of participant feedback, site visit observations, and lesson learns to inform the new assessments.

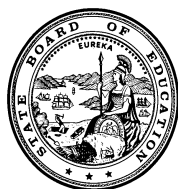
The plan for Transitioning to New Assessments includes special studies after the CBT Tryout to look at differentiated impacts by subgroups and to further examine item differences to identify items that may be less sensitive to the use of technology. These studies have been designed to assess the levels of understanding and ability to use technology and shall be used to examine issues of bias with respect to factors such as race, ethnicity, gender, etc. through the use of a variety of items types (i.e., TEI and multiple choice). California's Technical Advisory Group (TAG) for California High School Exit Examination (CAHSEE) and STAR provided feedback to the CDE and ETS on the special studies plan during the May 2012 TAG meeting. ETS has worked closely with the CDE to consider the TAG recommendations and to finalize the special studies plan. The preliminary results of the special studies will be submitted to the CDE in 2013.



# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM 6**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### SUBJECT

Update on Issues Related to California's Implementation of the Elementary and Secondary Education Act and Other Programs, Including but not Limited to the Race to the Top Local Educational Agency Application.

- ☒ Action
- ☒ Information
- ☐ Public Hearing

#### SUMMARY OF THE ISSUE(S)

This standing item allows the California Department of Education (CDE) to brief the State Board of Education (SBE) on timely topics related to the Elementary and Secondary Education Act (ESEA) and other federal programs.

#### RECOMMENDATION

The CDE recommends that the SBE take action as deemed necessary and appropriate. No specific action recommended at this time.

#### BRIEF HISTORY OF KEY ISSUES

##### Race to the Top Local Educational Agency Application

On August 12, 2012, the ED announced it had finalized the application for the 2012 Race to the Top District competition, providing nearly \$400 million in competitive grant funding for local educational agencies (LEAs). Among the requirements an LEA must meet in order to apply is the requirement that it provide both to the State and to its mayor (or comparable official) at least 10 business days to comment, with comments included in the LEA's application. If the State or the mayor declines to comment, the LEA must provide evidence that each had 10 business days in which to do so. The LEA may, at its option, offer a response to comments.

At this time, it is the intent of the State to decline review of or comment on individual LEA applications. However, the State assumes that LEA applications approved in this competition meet state and federal law and do not require state-level or statewide activities.

## **California State-Defined Waiver Request**

On September 23, 2011, the ED released an invitation for states to apply for a waiver of certain provisions of ESEA in exchange for meeting requirements that included adopting college- and career-ready standards for all students; implementing an alternative system of differentiated recognition, accountability, and support for districts and schools; and developing and implementing an evaluation system that supports effective instruction and leadership. These requirements, for states that are granted a waiver, are to be applicable to all LEAs and schools, not just those receiving Title I funding.

### **SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

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At its May 2012 meeting, the SBE voted to submit a waiver request to the ED to exempt LEAs from Title I, Part A sections 1116(b) and (c) with the exceptions of 1116(b)(13) and 1116(c)(4). The requested waiver period was for the 2012–13 and 2013–14 school years. The waiver was submitted to the ED on June 15, 2012. Since that time, there have been phone conversations between ED staff, SBE staff, and CDE staff, but no formal response to the waiver request. The CDE will provide the SBE with a verbal update if information becomes available.

### **FISCAL ANALYSIS (AS APPROPRIATE)**

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Any state or LEA that does not abide by the mandates or provisions of ESEA is at risk of losing federal funding.

### **ATTACHMENT(S)**

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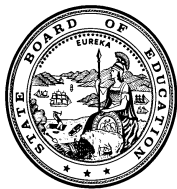
None.



# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM 7**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### SUBJECT

Elementary and Secondary Education Act: Supplemental Educational Services Provider: Removal of Providers from the 2011–13 Approval List for Failure to Meet Contractual Terms with One or More Local Educational Agencies.

- ☒ Action
- ☒ Information
- ☐ Public Hearing

#### SUMMARY OF THE ISSUE(S)

The Elementary and Secondary Education Act (ESEA) Section 1116(e)(4)(C), located on the U.S. Department of Education Title I – Improving the Academic Achievement of the Disadvantaged Web page at <http://www2.ed.gov/policy/elsec/leg/esea02/pg2.html#sec1116>, requires the state educational agency (SEA) to develop and maintain a list of approved Supplemental Educational Services (SES) providers to provide services to eligible students.

#### RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) remove the SES providers Arriba Education and Carney Educational Services for failure to meet the requirements of *California Code of Regulations*, Title 5 (5 CCR) Section 13075.5(d)(3)(C). The 5 CCR for SES can be found in the CDE SES Regulations Web document at <http://www.cde.ca.gov/ta/ac/ti/documents/sesregsnew082011.doc>.

#### BRIEF HISTORY OF KEY ISSUES

Federal law requires the SEA to monitor and evaluate approved SES providers in accordance with the ESEA, Title I, Part A, Section 1116(e)(4)(C) and the 34 *Code of Federal Regulations*, Section 200.47(a)(4)(ii). The 5 CCR Section 13075.5(d)(3)(C) allows the SBE to remove a provider from the SBE approved list in the event the provider fails to maintain the contractual requirements with one or more local educational agencies (LEAs) with which it has entered into a local board approved contract.

In January, April, May, and July of 2012, the CDE received contract termination notifications for Arriba Education and/or Carney Educational Services. (See Attachment 1.) The LEAs that notified the CDE are as follows:

- Antelope Valley Union High School District
- Lancaster School District
- Elk Grove Unified School District

The consistent contract violation identified by all LEAs was failure to deliver services.

Pursuant to 5 CCR Section 13075.5(d)(1) and (2), the CDE issued a written SES Notification of Noncompliance to owner Mike Carney on June 28, 2012. (See Attachment 2.) This notification provided Mr. Carney the opportunity within 30 calendar days to provide a written response or evidence of correction to the CDE by July 31, 2012. The response provided by Mr. Carney was received on July 30, 2012. (See Attachment 3.)

## **SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

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At its January 2012 meeting, the SBE removed 10 providers for failure to submit their 2010–11 Accountability Report pursuant to 5 CCR 13075.4(a), which requires approved SES providers to submit an annual report.

At its May 2011 meeting, the SBE approved 161 providers out of 209 applicants to serve as SES providers from July 1, 2011, through June 30, 2013.

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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There is no fiscal impact to the state. An LEA contracts with SBE-approved SES providers to provide tutoring that is free to students enrolled in schools in Program Improvement Years 2 through 5 and beyond. An LEA must spend an amount equal to a minimum of 5 percent each to a maximum of 20 percent total for school-choice transportation and SES services.

## **ATTACHMENT(S)**

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Attachment 1: Notifications of Contract Termination by local educational agencies  
(9 pages)

Attachment 2: Supplemental Educational Services Notification of Noncompliance  
(1 page)

Attachment 3: Response from Arriba Education and Carney Educational Services  
(3 pages)





CALIFORNIA  
DEPARTMENT OF  
EDUCATION

**TOM TORLAKSON**

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

June 28, 2012

Dear Supplemental Educational Services Provider:

**SUPPLEMENTAL EDUCATIONAL SERVICES NOTIFICATION OF NONCOMPLIANCE**

This letter serves as notification that the California Department of Education (CDE) received documentation that your organization is not meeting the requirements of *California Code of Regulations*, Title 5 (5 CCR), Section 13075.5(d)(3)(C).

Our records indicate that you are a Supplemental Educational Services provider approved for 2011–13 and you did not meet the contractual agreements with the following local educational agencies (LEAs):

- Antelope Valley Union High School District
- Lancaster School District
- Elk Grove Unified School District

Consistent with 5 CCR, Section 13075.5(d)(1) and (2), CDE is providing written notice to you with an opportunity for your organization to correct the violation(s) and provide evidence of correction to our office within 30 calendar days.

Failure to correct and provide evidence of correction consistent with 5 CCR, Section 13075.5(d)(3)(C) by July 31, 2012, may result in a recommendation to the State Board of Education (SBE) to remove the organization as an approved provider. The SBE is currently scheduled to take action on this recommendation at its September 2012 meeting.

If you have any questions regarding this subject, please contact Stephanie Smith, Education Programs Consultant, Title I Policy and Program Guidance Office, by phone at 916-319-0948 or by e-mail at [ses@cde.ca.gov](mailto:ses@cde.ca.gov).

Sincerely,

/s/

Jeff Breshears, Administrator  
Title I Policy and Program Guidance Office

JB:ss

9/5/2012 10:27 AM

# ANTELOPE VALLEY UNION HIGH SCHOOL DISTRICT

44811 SIERRA HIGHWAY, LANCASTER, CALIFORNIA 93534-3226  
(661) 948-7655

dsib-iad-sept12 item03  
Attachment 1  
Page 1 of 9

## BOARD OF TRUSTEES

DONITA J. WINN  
BARBARA WILLIBRAND  
JILL McGRADY  
KATHY CAROTHERS  
JAMES T. LOTT



## ADMINISTRATION

DAVID J. VIERRA, Ph.D.  
DISTRICT SUPERINTENDENT  
JEFFERY E. FOSTER  
DEPUTY SUPERINTENDENT  
MICHAEL J. VIERRA, Ph.D.  
ASSISTANT SUPERINTENDENT  
EDUCATIONAL SERVICES  
AND  
STUDENT SERVICES  
MARK A. BRYANT  
ASSISTANT SUPERINTENDENT  
PERSONNEL SERVICES

January 20, 2012

Iliana Faraldo  
Director of SES  
Carney Educational Services  
430 Grand Cypress Avenue  
Suite 103  
Palmdale, CA 93551

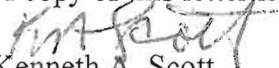
Subject: Payment Withholding

It has come to the attention of the Antelope Valley Union High School District (AVUHSD) that Carney Educational Services (Carney) may not be in compliance with the Supplemental Education Services (SES) contract for the 2011-2012 school year.

- 1) Carney is required to contact assigned families within thirty days of assignment and begin delivering tutoring services by qualified tutors. Several parents have advised this office that this initial contact was not made within the thirty days. Additionally no tutoring services have been provided by Carney.
- 2) Allegations have come to our attention that tutoring services ceased due to failure of Carney to pay assigned tutors for the tutoring service hours rendered.

Notice is hereby provided to Carney Educational Services that AVUHSD will withhold further payment of invoices pending investigation of above items. Since there was no representative from your company at the meeting held on January 17, 2012 at Lancaster School District, AVUHSD will expect a response within 10 days of the date of this notification. Failure to respond will result in immediate termination of the SES contract.

A copy of this letter is being sent to the California Department of Education

  
Kenneth A. Scott  
Director, Categorical and Special Programs  
Antelope Valley Union High School District



cc California Department of Education, Chris Swenson, Improvement & Accountability Division



**Members of the Board**  
Jeanette J. Amavisca  
Pollyanna Cooper-LeVangie  
Priscilla S. Cox  
William H. Lugg, Jr.  
Chet Madison, Sr.  
Al Rowlett

**Mark Vigar**  
Director  
Learning Support Services

(916) 686-7712  
FAX: (916) 686-5095  
Email: mvigario@egusd.net

Robert L. Trigg Education Center  
9510 Elk Grove-Florin Rd., Elk Grove, CA 95624

March 19, 2012

Carney Educational Services  
Attn: Michael Carney, CEO  
430 Grand Cypress Ave, Suite 103  
Palmdale, CA 93551

Dear Mr. Carney:

Part II Administration; Section G Termination for Default of the 2011-2012 Elk Grove Unified School District SES Master Contract states, "EGUSD may, by written notice to the CONTRACTOR, terminate this Master Contract in whole or in part at any time because of the failure of CONTRACTOR to fulfill its contractual obligations".

This notification is to let you know that Elk Grove Unified School District is terminating the Master Contract between Carney Educational Services and Elk Grove Unified School District in whole due to failure to fulfill contractual obligations.

The Elk Grove Unified School District (EGUSD) received complaints from several parents regarding the lack of services provided by Carney Educational Services. EGUSD attempted to reach a Carney representative by phone and our calls were not returned.

On January 4<sup>th</sup> EGUSD notified Carney by e-mail that due to several complaints from parents our office will be contacting all families enrolled with Carney to ensure that services are being provided as specified in Student Learning Plans (SLP). On January 6, 2012 five out of seven families indicated that their student was not receiving tutoring services as listed on their SLP and parents were not satisfied with Carney's services. Carney was informed of our findings. Families dissatisfied with services were granted their request to change providers.

The chart below details the parent complaints received by our district.


Student Name	Student Accepted by Carney	Student Learning Plan Approved	Parent Complaint to EGUSD	EGUSD Notified Carney of Complaint	Parent Complaint
[REDACTED]	10/26/11	12/01/11	01/03/12	01/04/12	Parent stated they have received no services. They have attempted to contact your company, and can't reach Carney Educational Services.
[REDACTED]	10/26/11	12/01/11	01/17/12	01/13/12	Parent stated they have received no services from Carney.
[REDACTED]	10/26/11	12/01/11	03/14/12		Parent requested their student be dropped from tutoring services with Carney Educational Services.
[REDACTED]	10/26/11	12/01/12	02/08/12	02/08/12	Parents were informed by the tutor [REDACTED] that they would no longer receive services, because Carney Educational Services was unable to pay the tutor.
[REDACTED]	10/26/11	12/01/12	02/08/12	02/08/12	Parents were informed by the tutor [REDACTED] that they would no longer receive services, because Carney Educational Services was unable to pay the tutor.
[REDACTED]	10/26/11	12/01/12	03/14/12	03/2012	Parent requested another provider due to lack of services provided by Carney Educational Services.
[REDACTED]	10/26/11	none	01/06/12	01/06/12	Parent did not receive services from Carney and requested another provider.
[REDACTED]	01/26/12	none	03/15/12	03/2012	Parent no longer interested in tutoring due to lack of services from Carney.

Upon receipt of this notice, Carney Educational Services should immediately discontinue all services under the Master Contract. Carney Educational Services is liable for any costs and expenses related to the transfer of EGUD students to another provider. Costs will be charged and will be deducted out of payments that may be due or may at any time become due to Carney Educational Services. If costs and expenses are in excess of the sum which will be payable, Carney Educational Services will promptly pay the amount of such excess to the EGUSD upon notice of the excess so due. Carney Educational Services is not entitled to anticipatory, lost profits, or consequential damages as a result of this termination.

This notice is deemed served as of the date of mailing.

If you have any questions, you may contact Christina DeWaal at (916) 686-7712.

Sincerely,



Mark Vigario  
Director





**Members of the Board**  
Jeanette J. Amavisca  
Pollyanna Cooper-LeVangie  
Priscilla S. Cox  
William H. Lugg, Jr.  
Chet Madison, Sr.  
Al Rowlett

**Mark Vigario**  
Director  
Learning Support Services  
(916) 686-7712  
FAX: (916) 686-5095  
Email: mvigario@egusd.net

Robert L. Trigg Education Center  
9510 Elk Grove-Florin Rd., Elk Grove, CA 95624

March 19, 2012

Arriba Education!  
Attn: Sergio Trujillo, Director of SES  
430 Grand Cypress Ave, Suite 104  
Palmdale, CA 93551

Dear Mr. Trujillo:

Part II Administration; Section G Termination for Default of the 2011-2012 Elk Grove Unified School District SES Master Contract states, "EGUSD may, by written notice to the CONTRACTOR, terminate this Master Contract in whole or in part at any time because of the failure of CONTRACTOR to fulfill its contractual obligations".

This notification is to let you know that Elk Grove Unified School District (EGUSD) is terminating the Master Contract between Arriba Education and Elk Grove Unified School District in whole due to failure to fulfill contractual obligations.

The Elk Grove Unified School District received complaints from several parents regarding the lack of professional services provided by Arriba Education.

EGUSD attempted to reach an Arriba representative by phone several times and our calls were not returned. On January 30, 2012 EGUSD notified Arriba by e-mail that due to multiple complaints from parents, our office will be contacting all families enrolled with Arriba to ensure that services are being provided as specified in Student Learning Plans. Families that expressed dissatisfaction with services from Arriba have been granted their request to change providers. Arriba Education was notified by EGUSD after each negative feedback or request from a parent to change providers.

The chart below details the parent complaints received by our district.

Student Name	Student Accepted by Arriba	Student Learning Plan Approved	Parent Complaint to EGUSD	EGUSD Notified Arriba of Complaint	Parent Complaint
[REDACTED]	10/26/11	12/01/11	01/30/12	01/30/12	Parent stated that only two sessions were given since December 1 <sup>st</sup> . Tutor (Ernesto Fajardo) did not show for last session/no contact from tutor or Arriba.
[REDACTED]	10/26/11	12.01.11	03/15/12	03/2012	Parents were informed by the tutor [REDACTED] that they would no longer receive services, because Arriba Education was unable to pay the tutor.
[REDACTED]	10/26/11	12/01/11	02/01/12	02/01/12	One session since 12/01/11. Parent requested another provider due to lack of services from Arriba.
[REDACTED]	10/26/11	12/01/11	03/12/12	03/2012	Parents were informed by the tutor [REDACTED] that they would no longer receive services, because Arriba Education was unable to pay the tutor.
[REDACTED]	10/26/11	12/01/12	03/12/12	03/2012	Parents were informed by the tutor [REDACTED] that they would no longer receive services, because Arriba Education was unable to pay the tutor.
[REDACTED]	10/26/11	12/01/11	02/10/12	02/10/12	Parent requested a change in provider due to lack of tutoring.
[REDACTED]	10/26/11	12/01/11	03/16/12	03/2012	Parents stated that sessions with tutor [REDACTED] started late and ended early.
[REDACTED]	10/26/11	12/01/11	01/13/12 02/01/12	01/20/12 01/31/12	Tutor [REDACTED] said the company is having problems. Tutor is not showing up & not rescheduling.
[REDACTED]	10/26/11				
[REDACTED]	10/26/11	12/01/11	02/01/12	02/01/12	Tutor ([REDACTED]) showed for one session only. She said the company is having problems.

Upon receipt of this notice, Arriba Education should immediately discontinue all services under the Master Contract. Arriba Education is liable for any costs and expenses related to the transfer of EGUD students to another provider. Costs will be charged and will be deducted out of payments that may be due or may at any time become due to Arriba Education. If costs and expenses are in excess of the sum which will be payable, Arriba Education will promptly pay the amount of such excess to the EGUSD upon notice of the excess so due. Arriba Education is not entitled to anticipatory, lost profits, or consequential damages as a result of this termination.

This notice is deemed served as of the date of mailing.

If you have any questions, you may contact Christina DeWaal at (916) 686-7712.

Sincerely,



Mark Vigario  
Director



# *Lancaster School District*

Christa Erolin  
Director of Special Programs  
44711 North Cedar Avenue, Lancaster, CA 93534  
TEL: (661) 948-4661  
FAX (661) 948-6780

January 25, 2012

Mr. Steve Carney  
Carney Educational Services  
430 Grand Cypress Ave., Suite #103  
Palmdale, CA 93551

Dear Mr. Carney:

The purpose of this letter is to inform you that the Lancaster School District has determined that Carney Educational Services (Provider) has failed to abide by the contract and/or assurances agreed to on August 30, 2011. According to our Supplemental Educational Services (SES) Contract and/or Assurances, Lancaster School District will terminate the SES contract with your company effective April 30, 2012.

The reason for this termination is as follows:

- Provider has failed to comply with federal, state, and/or local statutes and regulations. Specifically, over the past several months, Provider has failed to pay tutors who have provided tutoring services to Lancaster School District students. Provider did, however, continue to submit invoices requesting payment of said services. Lancaster School district has paid \$13,038 for September's and October's invoices. Another payment was processed last week for invoice #16041 in the amount of \$21,330.00 (this invoice includes 473.25 hours for November and 0.75 hours for October). Additionally, we just received your December invoice, which is being reviewed this week.
- The Lancaster School District through the Department of Special Programs has received complaints from three tutors regarding lack of payment for their services. Furthermore, tutors have provided evidence that October payroll checks from Carney were refused by the bank for non-sufficient funds.
- In the meantime, Lancaster School District has received complaints from at least three parents regarding the lack of tutoring services provided by Carney. Parents were informed that their child/children would no longer be tutored, because the tutor has not been paid by Carney. This has resulted in an interruption of or failure to provide services to our students. According to the contract between Carney and the Lancaster School District, "In the event that initial or subsequent tutoring sessions with a particular family do not work out, provider will immediately notify LEA", (Lancaster School District). No notification from Carney has been received.
- According to the contract, Carney agreed to provide students with a minimum of one hour of tutoring per week. Some Lancaster School District students have not received the agreed upon minimum weekly tutoring time due to the fact that the tutors have stopped providing services until they are paid by Carney.

It is unfortunate that you have not returned my phone calls or email and did not attend the January 17, 2012 meeting held to address these issues. To our knowledge, it has been three months since the October payroll checks were returned to you for non-sufficient funds and that is ample time to rectify the issues preventing our students from receiving the help they need and the tutors from being paid for services provided.

Because of Carney's failure to fulfill its obligations to the Lancaster School District, the district will terminate the agreement at the end of the contract period, April 30, 2012 and will not enter into another contract with Carney Educational Services for the remainder of the CDE approval period, 6/30/2012.

It is the expectation of the Lancaster School District that Carney Educational Services will fulfill all aspects of the contract/assurances through the remainder of the contract period. If you are not able to fulfill any part of the contract, please notify us immediately. The Lancaster School District will continue to pay for services rendered as stipulated in the contract, upon receipt of required documentation.

Please contact me directly with any questions.

Sincerely,



Christa Erolin  
Director of Special Programs

L11.021  
CE:yc

c: Mr. Chris Swenson, Director Improvement & Accountability Division - CDE  
Mr. Michael Carney, Glendale Office  
Howard Sundberg, Ph.D., Lancaster School District Superintendent





# *Lancaster School District*

**Christa Erolin**  
**Director of Special Programs**  
44711 North Cedar Avenue, Lancaster, CA 93534  
TEL: (661) 948-4661  
FAX (661) 948-6780

January 25, 2012

Mr. Steve Carney  
Arriba Education!  
430 Grand Cypress Ave., Suite #104  
Palmdale, CA 93551

Dear Mr. Carney:

The purpose of this letter is to inform you that the Lancaster School District has determined that Arriba Education! (Provider) has failed to abide by the contract and/or assurances agreed to on August 30, 2011. According to our Supplemental Educational Services (SES) Contract and/or Assurances, Lancaster School District will terminate the SES contract with your company effective April 30, 2012.

The reason for this termination is as follows:

- Provider has failed to comply with federal, state, and/or local statutes and regulations. Specifically, over the past several months, Provider has failed to pay tutors who have provided tutoring services to Lancaster School District students. Provider did, however, continue to submit invoices requesting payment of said services. Lancaster School district has paid \$6,140 for September's and October's invoices. Another payment was processed last week for November's invoice in the amount of \$6,340.00 (for 158.50 hours of service). Additionally, we just received your December invoice, which is being reviewed this week.
- The Lancaster School District through the Department of Special Programs has received complaints from two tutors regarding lack of payment for their services.
- In the meantime, Lancaster School District has received complaints from approximately eight families regarding the lack of tutoring services provided by Arriba. Parents were informed that their child/children would no longer be tutored, because the tutor has not been paid by Arriba. This has resulted in an interruption of or failure to provide services to our students. According to the contract between Arriba and the Lancaster School District, "In the event that initial or subsequent tutoring sessions with a particular family do not work out, provider will immediately notify LEA", (Lancaster School District). No notification from Arriba has been received.
- According to the contract, Arriba agreed to provide students with a minimum of one hour of tutoring per week. Some Lancaster School District students have not received the agreed upon minimum weekly tutoring time due to the fact that the tutors have stopped providing services until they are paid by Arriba.


It is unfortunate that you have not returned my phone calls or email and did not attend the January 17, 2012 meeting held to address these issues. Based on our investigation there has been ample time to rectify the issues preventing our students from receiving the help they need and the tutors from being paid for services provided.

Because of Arriba's failure to fulfill its obligations to the Lancaster School District, the district will terminate the agreement at the end of the contract period, April 30, 2012 and will not enter into another contract with Arriba Education! for the remainder of the CDE approval period, 6/30/2012.

It is the expectation of the Lancaster School District that Arriba Education! will fulfill all aspects of the contract/assurances through the remainder of the contract period. If you are not able to fulfill any part of the contract, please notify us immediately. The Lancaster School District will continue to pay for services rendered as stipulated in the contract, upon receipt of required documentation.

Please contact me directly with any questions.

Sincerely,



Christa Erolin  
Director, Special Programs

L11.022  
CE:yc

c: Mr. Chris Swenson, Director Improvement & Accountability Division - CDE  
Mr. Michael Carney, Glendale Office  
Howard Sundberg, Ph.D., Lancaster School District Superintendent

**From:** [REDACTED]  
**Sent:** Monday, July 30, 2012 10:45 AM  
**To:** Stephanie Smith  
**Subject:** carney letter

18565 Soledad Canyon Road #286  
Canyon Country, CA 91351  
(661) 299-1487 FAX (661) 299-1092

Ms. Stephanie Smith  
California Department of Education  
1430 N Street  
Sacramento, CA 95814

July 26, 2012

Re: Carney Educational Services and ¡Arriba! Education

Dear Ms. Smith:

Carney Educational Services and Arriba Education have been providing tutoring services, both private and group, since 1994. In these past 18 years, Carney Educational Services has had an outstanding reputation for tutoring excellence. While our company saw years of avid success, it is no secret that we have encountered considerable struggles this past year. There have been multiple unfortunate events that occurred, each with repercussions that were more far-reaching than anticipated, hindering our ability to provide our usual, high quality of services.

The first of which, the employee charged with writing our renewal application deliberately added additional pages, pushing the application over the requisite number allowed. We managed an appeal, but by the time the process took effect, we had missed many crucial provider meetings with important districts, including Los Angeles Unified School District, one of our largest clients.

It was later found that this same employee had started his own company and left with many coworkers within that department. We lost many crucial employees and a complete department; at the same time, it became known to us that these employees were attending provider meetings and fairs to establish their own company, not Carney Educational Services as presumed. We are currently pursuing legal action against this employee.

At the same time, it was found that our Director of Human Resources was deceptive, ill-equipped and her performance was severely lacking. Not only was she discovered to have not maintained adequate employee records, but it was also found that she was embezzling money and forging documents that pertained to local and federal tax authorities. This severely

hampered our relationship with one of our financial institutions, and we saw much of our cash flow freeze up at a crucial juncture – the beginning of the school year.

While those were damaging, what became one of the most damaging events of these trials was the lack of support shown by some of our administrative staff. At a time when we needed to consolidate and work seamlessly, the stress of the situation led many to become apathetic at best, and non-communicative and combative at worst. This damaged our reputation and heightened much of the districts' and tutors' frustration with our company; much of the administrative staff simply refused to answer phone calls or emails before they were finally laid off.

With this turmoil, it became clear that many changes needed to be made within the upper echelon of the company. As such, we have done many crucial things to bolster our company, and set Carney Educational Services and Arriba Education on the right path.

Currently, we have down-sized our administrative staff, keeping those staff members who have proven to be honest and to possess strong work ethics. With this smaller staff, we have seen a turn-around in relations with districts; a greater attentiveness can be given to the districts with which to resolve issues and concerns. We have also seen a greater working relationship with our employees, the tutors; with greater communication, tutors feel more connected and more informed, and thus, more inclined to cooperate and help.

As well, we are in the process of revamping the financial aspects of our company. We are monitoring our cash flow continually to ensure any acts like embezzlement do not happen again. We are accounting for all monies, whether payroll, utilities, insurances, or any other cost, and making cuts where available and where necessary. This, combined with the smaller administrative staff, has led to greater accountability; departments are not as segregated, and communication is much more free-flowing between the heads.

We have been invited to renew with nearly all of the districts that we previously contracted with. We have attended all mandatory provider meetings that have occurred and those districts have appeared to be very happy to see us return, and to be back on track.

We know that the three districts provided you with reasons for termination. All of these reasons have been remedied, and going forward, will not be repeated. Out of the 39 students assigned in AV High School, ten students completed less than 50% of their hours; the remaining were close to, or completed. The district never sent us a letter of termination and continues to owe us over \$17,000.00. Lancaster School District had 27 students assigned; ten completed all of their hours, ten completed most of their hours, three were returned to the district and three we were unable to contact. Those students that completed averaged a 20% increase in their test scores. This district continues to owe us \$6,000.00. Elk Grove is a small, remote district from where we are located, and unfortunately we lost our tutors in that area. Out of thirty students assigned, we only had a 40% completion rate. However, all students were returned to the district for reassignment. The district charged us \$1,000.00 for this process.

Every student is important beyond measure. However, all of the effected students were either serviced or returned to their districts.

We have remediated our very formidable challenges in an honorable way. We have a clear path to the school year ahead and look forward to servicing the children outside these districts in the coming year.

Terminating us would amount to the death penalty for our company; the human cost would be enormous. We are amenable to monitoring in any way you see fit. After nearly 2 decades of tutoring our students, and the remedies that we have put in place, we strongly believe this is a case where flexibility is in order. We are worth it.

Sincerely,

Michael Carney  
Managing partner

Michael Carney  
Owner/CEO  
Carney Educational Services  
Arriba Education  
Carney Print Services  
Afterschoolstore.com  
Carney Corral

(888)511-7737

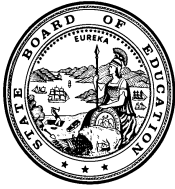
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# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM 8**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### SUBJECT

Administration of Epilepsy Medication—Adopt the Proposed Regulations for Additions to the *California Code of Regulations*, Title 5, Sections 620–627.

- ☒ Action
- ☐ Information
- ☐ Public Hearing

#### SUMMARY OF THE ISSUE(S)

Senate Bill 161 was signed by the Governor on October 7, 2011. California *Education Code (EC)* Section 49414.7, implementing SB 161, went into effect on January 1, 2012. SB 161 authorizes a school district, county office of education, or charter school to participate in a program to provide nonmedical school employees with voluntary emergency medical training to provide, in the absence of a credentialed school nurse or other licensed nurse on-site at the school or charter school—and with a parent's written authorization—emergency medical assistance to pupils with epilepsy suffering from seizures, in accordance with guidelines to be developed by the California Department of Education (CDE) in consultation with the State Department of Public Health. The CDE was required to post these guidelines on its Web site by July 1, 2012. The SBE adopted emergency regulations to meet this requirement, and the CDE posted the emergency regulations in a timely manner.

Because SB 161 states that the training must be “consistent” with the guidelines and that a nonmedical school employee who has completed the voluntary training and provides assistance “shall” provide assistance “using the guidelines,” the guidelines are to be rules of general application, and it is necessary to adopt them as regulations. Emergency regulations containing the guidelines became effective March 26, 2012, and are set to expire on September 25, 2012. However, if adopted and submitted to the Office of Administrative Law (OAL), the emergency regulations will remain in effect during OAL's review of the permanent regulations.

#### RECOMMENDATION

The CDE recommends the State Board of Education (SBE) take the following actions:

- Approve Final Statement of Reasons.

- Formally adopt the proposed regulations approved by the SBE at the July 2012 meeting. No amendments or edits have been made to the proposed regulations;
- Direct the CDE to complete the rulemaking package and submit it to the OAL for approval.
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

## **BRIEF HISTORY OF KEY ISSUES**

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SB 161 went into effect on January 1, 2012. Volunteer nonmedical school employees must be trained in order to provide the emergency medical assistance described in this program. The training must be consistent with the guidelines posted on July 1, 2012. Any emergency medical assistance provided by trained volunteer nonmedical employees must be provided using the guidelines posted on July 1, 2012. Because the guidelines are to be rules of general application, it was necessary to adopt them as regulations. The CDE received public comments on the proposed permanent regulations during a 45-day public comment period from March 23, 2012, through May 7, 2012. Emergency regulations became effective on March 26, 2012. They will expire on September 25, 2012. A 15-day public comment period ran from July 21, 2012, to August 6, 2012. In this agenda item, the CDE takes the next step by recommending the adoption of permanent regulations since no changes are being made after the 15-day public comment period.

## **SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

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On March 7, 2012, the SBE approved the adoption of emergency regulations, which became effective on March 26, 2012.

On March 7, 2012, the SBE approved the commencement of the rulemaking process for permanent regulations since the emergency regulations expire on September 25, 2012. The 45-day public comment period ran from March 23, 2012, to May 7, 2012. A public hearing was held on May 7, 2012, in accordance with the Administrative Procedure Act. Additionally, a stakeholders meeting was held on May 18, 2012. The purpose of this meeting was to provide the Stakeholders and the CDE an opportunity to engage in dialogue regarding the proposed regulations. Such dialogue, although outside the 45-day comment period, aided the CDE in expanding its perspective on the issues as it moved toward the completion of the regulatory process.

On July 18, 2012, the SBE approved the commencement of a 15-day public comment period, which ran from July 21, 2012, to August 6, 2012. During the public comment period, comments were received from 113 individuals and have been summarized and responded to in the Final Statement of Reasons.



**FISCAL ANALYSIS (AS APPROPRIATE)**

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The attached Fiscal Impact Statement was also submitted with the March 2012 item.

**ATTACHMENT(S)**

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Attachment 1: Final Statement of Reasons (27 pages)

Attachment 2: Regulations (8 Pages)

Attachment 3: Economic and Fiscal Impact Statement (STD. 399) (4 pages)

## **FINAL STATEMENT OF REASONS**

### **Administration of Epilepsy Medication**

#### **UPDATE OF INITIAL STATEMENT OF REASONS**

#### **Pursuant to Govt. Code section 11346.3(e)**

Effect on agencies: The proposed regulations address a program that is voluntary on the part of educational agencies, and therefore there are no mandated costs for such agencies. Those educational agencies that choose to participate in the program may encounter costs related to training or employee overtime.

#### **SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF MARCH 24, 2012 THROUGH MAY 7, 2012, INCLUSIVE.**

The original proposed text was made available for public comment for at least 45 days from March 24, 2012 through May 7, 2012. Letters were received from 156 commenters during the 45-day comment period. A public hearing was held at 1:30 p.m. on May 7, 2012, at the California Department of Education (CDE). Six individuals attended and gave public comment at the public hearing. Pursuant to California Government Code sections 11346.9(a)(3) and (a)(5), the CDE, on behalf of the State Board of Education (SBE), has summarized and responded to the written comments by section as follows:

#### **SECTION 620**

***MAGGIE IKEDA PENDLETON, CLOVIS USD***

***KATHY HUNDEMER, CALIFORNIA SCHOOL NURSES ORGANIZATION***

***DIANE DURANDO, CLOVIS USD***

***MARIAN OLIVER, HUNTINGTON BEACH UNION HIGH SCHOOL DISTRICT***

***KAREN TEMPLE, ANAHEIM CITY SCHOOL DISTRICT***

***FRANK RODRIGUEZ, ANAHEIM CITY SCHOOL DISTRICT***

***LAURA OLIVO, MARIN COUNTY OFFICE OF EDUCATION***

***LETICIA PLAZA, CLOVIS UNIFIED SCHOOL DISTRICT***

***MARCI MCLEAN-CRAWFORD, HUNTINGTON BEACH UNION HIGH SCHOOL DISTRICT***

**Comment 1:** Several commenters express concern that the regulations violate the Nursing Practices Act (NPA), Business and Professions Code sections 2700 et seq. and 2732, in that they authorize voluntary nonmedical school personnel to perform nursing functions, i.e., to assess whether an emergency anti-seizure medication should be administered, administer the medication, and assess a pupil's status post-administration.

**Reject:** The purpose of these regulations is to implement SB 161, as codified at Education Code section 49414.7, which authorizes volunteer nonmedical school personnel, under specified conditions, to administer emergency anti-seizure medication. Section 49414.7(b) states that it provides that authorization "notwithstanding . . . Section 2732 of the Business and Professions Code."

**BERNADETTE BETTENCOURT, STOCKTON USD**  
**NORA CRANS, CASTRO VALLEY USD**  
**JUDY WINTER, GLENDALE USD**  
**KIMIKO COLLINS CURTIS, SANTA CLARA CO. OFC. OF EDUCATION**  
**DEBORAH MUTMAN, SANTA CLARA CO. OFC. OF EDUCATION**  
**AMELIA OWEN-CASILLAS**  
**JOANNE PRESTON, JUNCTION ELEMENTARY SCHOOL DISTRICT**  
**BONNIE MAGNETTI, ROCKLIN USD**  
**NANCY RADER, FULLERTON SCHOOL DISTRICT**  
**KATHY HUNDEMER, CALIFORNIA SCHOOL NURSES ORGANIZATION**  
**DIANE DURANDO, CLOVIS USD**  
**LOIS SCHULTZ-GRANT**  
**MAGGIE IKEDA PENDLETON, CLOVIS USD**  
**JAN WILDE, SULPHUR SPRINGS SCHOOL DISTRICT**  
**REBECCA LIBONATI, SNOWLINE JOINT UNION SCHOOL DISTRICT**  
**KATY WAUGH, CUPERTINO UNIFIED SCHOOL DISTRICT**  
**LETICIA PLAZA, CLOVIS USD**

**Comment 2:** Several commenters expressed concern that the regulations do not sufficiently address situations in which local educational agencies (LEAs) choose not to engage in this program, or situations in which LEAs do choose to engage in the program but no volunteers are available.

**Reject:** When a parent requests to have volunteer nonmedical school personnel trained to administer an emergency anti-seizure medication in the event a nurse is not available when a pupil has a seizure, the school must notify the parent that the pupil may qualify for services or accommodations under an IEP or 504 plan. (Ed. Code § 49414.7(d).) See also CDE Program Advisory on Medication Administration, at Section XV, relating to medication provided pursuant to an IEP or section 504 plan. If the parent chooses not to pursue an IEP or 504 plan, the school may create an individualized health plan, seizure action plan, or other appropriate health plan designed to acknowledge and prepare for the pupil's health care needs in school. The plan may include the involvement of trained volunteer school employees or a licensed vocational nurse. (Ed. Code § 49414.7(f).)

It is not necessary to provide more information in these regulations as to what occurs if an LEA chooses not to engage in this program, or if an LEA chooses to engage in the program but no volunteers are available. SB 161 called for the development of guidelines regarding training and supervision of volunteer nonmedical school personnel to administer emergency anti-seizure medication. (Ed. Code, § 49414.7(m)(1).) These regulations provide those guidelines. The program is voluntary on the part of LEAs. Accordingly, the regulations represent guidelines for those LEAs who voluntarily choose to participate in the program. If an LEA elects to participate, but there are no volunteers, the LEA must re-notify the parent of the option to have the pupil assessed for an IEP or a 504 pan. (Ed. Code § 49414.7(j).)

## SECTION 621

**MAGGIE IKEDA PENDLETON, CLOVIS USD**

**KATHY HUNDEMER, CALIFORNIA SCHOOL NURSES ORGANIZATION**

**DIANE DURANDO, CLOVIS USD**

**LAURA OLIVO, MARIN COUNTY OFFICE OF EDUCATION**

**FRANK RODRIGUEZ, ANAHEIM CITY SCHOOL DISTRICT**

**LETICIA PLAZA, CLOVIS USD**

**MARCI MCLEAN-CRAWFORD, HUNTINGTON BEACH UNION HIGH SCHOOL DISTRICT**

**Comment 3: Section 621(a) - emergency anti-seizure medication:** Several commenters express concern that the definition only specifically addresses diazepam, but does not specifically address other emergency anti-seizure medications approved by the FDA.

**Reject:** Diazepam is the only emergency anti-seizure medication currently approved by the FDA. However, the definition also covers other emergency medications that may be approved by the FDA for this purpose in the future. If other such medications are approved by the FDA, the regulations will apply to them.

**DOLORES DURAN-FLORES, CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION**

**Comment 4: Section 621(d) - regular school day:** The commenter expresses concern that this definition goes beyond the language and intent of the statute. The commenter expresses concern that the definition does not provide sufficient detail as to how the process will work on field trips. The commenter expresses concern that volunteer nonmedical school personnel will be required to work beyond normal school hours, and if so, whether they will be paid for doing so.

**Partially Accept:** The CDE accepts this comment to the extent it expresses concern that the regulation goes beyond the scope of the statute. Section 621 will be amended to delete the definition of “regular school day” in part (d).

**Partially Reject:** The statute and regulations state that participation of volunteer nonmedical school personnel is voluntary. (Ed. Code § 49414.7(b), 5 CCR § 623 (f)(1).) The statute and regulations also state that volunteers will be paid when administration of medication and subsequent monitoring of the pupil requires the volunteer to work beyond normally scheduled hours. (Ed. Code § 49414.7(l), 5 CCR § 623(f)(7).)

**TRICIA HUNTER, AMERICAN NURSES ASSOCIATION CALIFORNIA**

**Comment 5:** The commenter recommends that more guidance and direction be provided as to the administration of emergency medication at different times of the “regular school day.” Specifically, the commenter recommends that further detail be provided as to the availability of volunteers, accessibility to medications and medical records, and reporting of emergency medical assistance on field trips and extracurricular activities.

**Reject:** The CDE believes that the definition is sufficiently clear. The CDE notes that the CDE’s Program Advisory on Medication Administration, <http://www.cde.ca.gov/ls/he/hn/documents/medadvisory.pdf>, at Section IX, provides further guidance on administration of medication on field trips and other school-related activities.

**Comment 6: Section 621(e) - Supervision:** The commenter recommends cross-referencing section 627, specifying that the supervisor need not be present at the time the emergency anti-seizure medication is administered, and including observation, review of pertinent records and instruction/training when necessary within the definition of supervision.

**Reject:** The CDE believes that the definition is sufficiently clear and comprehensive. The definition of supervision already makes clear that the supervisor need not necessarily be immediately present at all times, and therefore already makes clear that the supervisor need not necessarily be present at the time the volunteer administers an emergency anti-seizure medication. The CDE believes that so long as the supervisor ensures that the requirements of section 627 are met, the details of supervision may be left to the discretion of an LEA that chooses to participate in this program.

## **SECTION 622**

**SHERRY SKELLY GRIFFITH, ASSOCIATION OF CALIFORNIA SCHOOL ADMINISTRATORS**

**Comment 7: Section 622(a) - physician and surgeon:** The commenter recommends that the reference to “a physician and surgeon” be changed to “a physician or surgeon.”

**Reject:** “Physician and surgeon” is used in the statute. (Ed. Code § 49414.7(m)(5)(A).) The CDE notes that Business and Professions Code sections 2050 and 2051 refer to licensed physicians and surgeons in the conjunctive. The CDE believes the regulation is sufficiently clear.

**BONNIE CASTILLO, CALIFORNIA NURSES ASSOCIATION**

**CYNTHIA EDMISTON, TRACY USD**

**MICHELLE WARD, ABC USD**

**BONITA MALLORY, TWIN RIVERS USD**

**LAURA OLIVO, MARIN COUNTY OFFICE OF EDUCATION**

**FRANK RODRIGUEZ, ANAHEIM CITY SCHOOL DISTRICT**

**MARIAN OLIVER, HUNTINGTON BEACH UNION HIGH SCHOOL DISTRICT**

**KAREN TEMPLE, ANAHEIM CITY SCHOOL DISTRICT**

**DONNA BECKMAN, SAN JOAQUIN COUNTY OFFICE OF EDUCATION**

**DOLORES SANCHEZ, CALIFORNIA FEDERATION OF TEACHERS**

**Comment 8: Section 622(c) - credentialed school nurse:** Several commenters express concern that a credentialed school nurse who trains and/or supervises voluntary nonmedical school personnel violates the NPA, Business and Professions Code sections 2700 et seq. and 2732, and is subject to professional discipline.

**Reject:** The purpose of the regulations is to implement SB 161, codified by Education Code section 49414.7, which authorizes voluntary nonmedical school personnel, under specified conditions, to administer emergency anti-seizure medication and take certain actions related to that administration. Section 49414.7(b) states that it provides that authorization “notwithstanding . . . Section 2732 of the Business and Professions Code.” The statute calls for licensed health care professionals to train and supervise the volunteers. The statute lists credentialed school nurses as being among those licensed health care professionals authorized to train volunteers. (Ed. Code § 49414.7(m)(5)(C).)

**DIANE GOLDMAN, SAN FRANCISCO UNIFIED SCHOOL DISTRICT**  
**CAROL KEMP NEMIRO, HOLLISTER SCHOOL DISTRICT**

**Comment 8.1:** The commenters suggest adding indemnification of licensed health care professionals who train and/or supervise voluntary nonmedical school personnel.

**Reject:** The regulations state that volunteer nonmedical school personnel will be indemnified. (5 CCR § 623(f)(6).) The statute is otherwise silent as to issues of liability and indemnification. It is not necessary or appropriate to address other issues of liability and indemnification in these regulations.

**MAGGIE IKEDA PENDLETON, CLOVIS USD**  
**KATHY HUNDEMER, CALIFORNIA SCHOOL NURSES ORGANIZATION**  
**DIANE DURANDO, CLOVIS USD**

**Comment 9:** Several commenters express concern that the regulation violates Education Code section 49422.

**Reject:** The purpose of the regulations is to implement SB 161, codified by Education Code section 49414.7, which authorizes voluntary nonmedical school personnel, under specified conditions, to administer emergency anti-seizure medication. The statute calls for licensed health care professionals to train and supervise the volunteers. The statute lists credentialed school nurses as among those licensed health care professionals authorized to train. (Ed. Code § 49414.7(m)(5)(C).)

## **SECTION 623**

**LINDA SHANK, EUREKA USD**  
**LOIS SCHULTZ-GRANT**  
**MICHELLE WARD, ABC USD**  
**DAYLE EDGERTON, ROSEVILLE JOINT UNION HIGH SCHOOL DISTRICT**  
**PATRICIA GOMES, CENTRAL USD**  
**DIANE DURANDO, CLOVIS USD, APRIL 20 AND MAY 7, 2012;**  
**MAGGIE IKEDA PENDLETON, CLOVIS USD**  
**KATHY HUNDEMER, CALIFORNIA SCHOOL NURSES ORGANIZATION**  
**ROSEMARIE ALPAY, SAN JUAN USD**  
**BERNADETTE BETTENCOURT, STOCKTON USD**  
**NORA CRANS, CASTRO VALLEY USD**  
**JUDY WINTER, GLENDALE USD**  
**KIMIKO COLLINS CURTIS, SANTA CLARA COUNTY OFFICE OF EDUCATION**  
**DEBORAH MUTMAN, SANTA CLARA COUNTY OFFICE OF EDUCATION**  
**AMELIA OWEN-CASILLAS**  
**JOANNE PRESTON, JUNCTION ELEMENTARY SCHOOL DISTRICT**  
**LAURA OLIVO, MARIN COUNTY OFFICE OF EDUCATION**  
**BONNIE MAGNETTI, ROCKLIN USD**  
**FRANK RODRIGUEZ, ANAHEIM CITY SCHOOL DISTRICT**  
**TRICIA HUNTER, AMERICAN NURSES ASSOCIATION CALIFORNIA**  
**MARIAN OLIVER, HUNTINGTON BEACH UNION HIGH SCHOOL DISTRICT**  
**KAREN TEMPLE, ANAHEIM CITY SCHOOL DISTRICT**  
**JAN WILDE, SULPHUR SPRINGS SCHOOL DISTRICT**

**REBECCA LIBONATI, SNOWLINE JOINT UNION SCHOOL DISTRICT**

**KATY WAUGH, CUPERTINO USD**

**LETICIA PLAZA, CLOVIS USD**

**JACKIE THOMPSON, VAL VERDE UNIFIED SCHOOL DISTRICT**

**MARCI MCLEAN-CRAWFORD, HUNTINGTON BEACH UNION HIGH SCHOOL DISTRICT**

**Comment 10:** Several commenters recommend that a CPR requirement be added. These commenters note that CPR is a requirement for those who administer epinephrine in schools, Education Code section 49414(e)(2)(D), and for those providing specialized physical health care services, such as catheterization, gastric tube feeding, and suctioning, in schools. (Ed. Code § 49423.5(c).) The commenters state that anti-seizure medications can cause respiratory depression (shallow breathing).

**Reject:** At the March 7, 2012 SBE hearing on the proposed emergency regulations, Senator Bob Huff, the author of SB 161, stated that CPR was discussed throughout the legislative process and was intentionally rejected. The SBE subsequently rejected the CPR requirement. The CPR requirement was removed from the proposed emergency regulations and the proposed permanent regulations.

While the CDE's Program Advisory on Medication Administration "recommends" that unlicensed personnel administering medication be trained in CPR, *id.* at IV(A)(2) and XII(B)(2), the CDE will not propose a CPR requirement in these regulations.

The CDE notes that nothing in the statute or regulations precludes a LEA that chooses to participate in this program from providing CPR training to volunteers.

**DOLORES DURAN-FLORES, CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION**

**Comment 11:** The commenter opposes adding a CPR requirement in the regulations. She states that such a requirement would go beyond the statute.

**No response required:** See response to Comment 10, above.

**MAGGIE IKEDA PENDLETON, CLOVIS USD**

**KATHY HUNDEMER, CALIFORNIA SCHOOL NURSES ORGANIZATION**

**DIANE DURANDO, CLOVIS USD**

**KAREN TEMPLE, ANAHEIM CITY SCHOOL DISTRICT**

**MARIAN OLIVER, HUNTINGTON BEACH UNION HIGH SCHOOL DISTRICT**

**NANCY RADER, FULLERTON SCHOOL DISTRICT**

**LETICIA PLAZA, CLOVIS USD**

**Comment 12:** Several commenters recommend adopting standardized forms including (1) a contract requiring parents to notify the school if and when an emergency anti-seizure medication is administered at home before school on any given day, (2) a release for exchange of information to allow the school staff to communicate with all stakeholders caring for the student, and (3) an evaluation of competency to assure that the volunteer is competent to administer the medication safely. These commenters also recommend adding a requirement that the training content include administering emergency anti-seizure medications in special situations such as on school buses and for students who have severe behavioral, physical or medical disabilities.

**Reject:** As for (1), (2) and (3), the CDE believes that it is unnecessary to adopt standardized forms through the regulatory process. The CDE notes that when standardized forms are adopted, any subsequent proposed changes must also go through the regulatory process. The LEAs that choose to participate in the program have discretion to adopt forms that work for them. The statute calls for the CDE to post on its web site a clearinghouse for best practices in training volunteer nonmedical school personnel in emergency administration of anti-seizure medication to pupils with epilepsy suffering from seizures. (Ed. Code § 49414.7(m)(3).) Sample forms will be included on the clearinghouse.

As for (1), specifically, the CDE notes that the statute requires that the local plan include the requirement that the parent notify the school if the pupil has had an emergency anti-seizure medication administered within the past four hours on a school day. (Ed. Code § 49414.79k(3).)

As for training regarding specialized situations, the CDE notes that training will necessarily be individualized because it must be in accordance with the pupil's health care practitioner's instructions. (5 CCR §§ 624(b), 626(a)(3).) Therefore, volunteers will be trained in information specific to the individual pupil involved.

***BERNADETTE BETTENCOURT, STOCKTON USD***

***NORA CRANS, CASTRO VALLEY USD***

***JUDY WINTER, GLENDALE USD***

***KIMIKO COLLINS CURTIS, SANTA CLARA COUNTY OFFICE OF EDUCATION***

***DEBORAH MUTMAN, SANTA CLARA COUNTY OFFICE OF EDUCATION***

***AMELIA OWEN-CASILLAS***

***JOANNE PRESTON, JUNCTION ELEMENTARY SCHOOL DISTRICT***

***LAURA OLIVO, MARIN COUNTY OFFICE OF EDUCATION***

***BONNIE MAGNETTI, ROCKLIN USD***

***FRANK RODRIGUEZ, ANAHEIM CITY SCHOOL DISTRICT***

***JAN WILDE, SULPHUR SPRINGS SCHOOL DISTRICT***

***REBECCA LIBONATI, SNOWLINE JOINT UNION SCHOOL DISTRICT***

***KATY WAUGH, CUPERTINO UNIFIED SCHOOL DISTRICT***

***MARCI McLEAN-CRAWFORD, HUNTINGTON BEACH UNION HIGH SCHOOL DISTRICT***

**Comment 13:** Several commenters recommend adding more details regarding training, and specifically (1) adopting a standardized form for communication between the school and the physician, (2) adopting the diastat manufacturer's recommendations as regulations, and (3) adding an evaluation of competence as a training requirement.

**Reject:** As for (1), the CDE believes that it is unnecessary to adopt a standardized form for communication between the school and the physician through the regulatory process. The CDE notes that when standardized forms are adopted, any subsequent proposed changes must also go through the regulatory process. The LEAs can adopt forms that work for them. The statute calls for CDE to post on its web site a clearinghouse for best practices in training volunteer nonmedical school personnel in emergency administration of anti-seizure medication to pupils with epilepsy suffering from seizures. (Ed. Code § 49414.7(m)(3).) Sample forms will be included on the clearinghouse.



As for (2), the CDE does not believe it is necessary or appropriate to adopt the diastat manufacturer's recommendations as regulations. First, the regulations already require that training be provided in accordance with the particular manufacturer's instructions. (5 CCR § 624(a).) Second, diastat is just one emergency anti-seizure medication. The regulations also cover other emergency anti-seizure medications that may be approved by the FDA in the future. Third, if the diastat manufacturer's instructions were to change, it would be necessary to go through the regulatory process to change the regulations.

As for (3), the statute states that a volunteer who has completed the training can administer an emergency anti-seizure medication. Each training will necessarily be individualized in that it must be in accordance not only with the manufacturer's instructions but also the pupil's health care provider's instructions. Therefore, it would be difficult to develop a standard evaluation. In any event, the CDE believes the decision as to whether to include an evaluation in the training, and, if so, the determination of the content of such an evaluation, are best left to the discretion of the individual LEAs who choose to participate in the program. Sample evaluation forms will be included in the clearinghouse.

***CHRISTINE HERMAN, LOS ANGELES COUNTY OFFICE OF EDUCATION***

***LAURA OLIVO, MARIN COUNTY OFFICE OF EDUCATION***

***FRANK RODRIGUEZ, ANAHEIM CITY SCHOOL DISTRICT***

***MARIAN OLIVER, HUNTINGTON BEACH UNION HIGH SCHOOL DISTRICT***

***KAREN TEMPLE, ANAHEIM CITY SCHOOL DISTRICT***

***JAN WILDE, SULPHUR SPRINGS SCHOOL DISTRICT***

***REBECCA LIBONATI, SNOWLINE JOINT UNION SCHOOL DISTRICT***

***KATY WAUGH, CUPERTINO USD***

***MARCI MCLEAN-CRAWFORD, HUNTINGTON BEACH UNION HIGH SCHOOL DISTRICT***

***DOLORES SANCHEZ, CALIFORNIA FEDERATION OF TEACHERS***

**Comment 13.1:** Several commenters recommend clarifying how volunteer nonmedical school personnel would perform a rectal administration of diazepam in a way that respects the student's privacy.

**Reject:** The regulations require that the training include techniques and procedures to ensure pupil privacy. (5 CCR section 623(d).) Such techniques and procedures will necessarily be individualized in accordance with the physical attributes of the particular setting. The CDE does not believe it is necessary or appropriate to standardize such techniques and procedures in regulations. Rather, these decisions should be left to the discretion of the individual LEAs who choose to participate in the program.

***DOLORES DURAN-FLORES, CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION***

**Comment 14:** The commenter recommends adding two provisions from the statute to the regulations: Education Code section 49414.7(g)(2), prohibiting employees from coercing other employees into volunteering, and Education Code section 49414.7(g)(5) limiting the method and timing of recruitment of volunteers to an electronic notice no more than twice per year to all staff. The commenter asserts that it is necessary to include these provisions in the regulations so that volunteers know their participation is truly voluntary.

**Accept:** The purpose of the regulations is to provide guidance on training and supervision of volunteers. (Ed. Code § 49414.7(m)(1), 5 CCR 620.) Section 623(f) includes under

training contents, for purposes of clarity, that volunteers be informed of certain rights and responsibilities. These provisions are sufficiently related to those rights and responsibilities to merit inclusion. Section 623(f) will be amended to incorporate the provisions of Education Code sections 49414.7(g)(2) and (5).

***DOLORES SANCHEZ, CALIFORNIA FEDERATION OF TEACHERS***

**Comment 14.1:** The commenter recommends that the regulations mandate collective bargaining over the conditions for volunteering, in order to prevent coercion. The commenter expresses concern as to whether volunteers will be paid for working extra hours.

**Reject:** The statute prohibits employees from coercing other employees into volunteering. Education Code section 49414.7(g)(2). The statute does not address collective bargaining. While the CDE recognizes that individual LEAs may engage in bargaining with labor groups relating to the emergency administration of anti-seizure medication, it is not necessary or appropriate to mandate such bargaining in these regulations. The statute and regulations require that volunteers be paid when administration of medication and subsequent monitoring of the pupil requires the volunteer to work beyond normally scheduled hours. (Ed. Code § 49414.7(l), 5 CCR § 623(f)(7).)

***SHERRY SKELLY GRIFFITH, ASSOCIATION OF CALIFORNIA SCHOOL ADMINISTRATORS***

**Comment 15:** (1) The commenter expresses concern about the validity of the requirement in section 623(f)(5) that, after an initial three-day period for rescission of the offer to volunteer following training, a trained volunteer must provide a two-week notice that he is rescinding his offer to volunteer. The commenter recommends substituting language simply “encouraging” the trained volunteer to provide the two-week notice.

(2) The commenter recommends adding to section 623(f)(9) requirements that each administration of anti-seizure medication be reported to the administrator that each such report must be documented.

**Partially accept:** The CDE accepts the second suggestion because it is consistent with sections 627(a)(4) and 627(a)(5). Section 623(f)(9) will be amended to add “documentation.” It will state that “he or she must report every administration of anti-seizure medication to the school or charter school administrator and each report shall be documented.”

**Partially reject:** The CDE rejects the first suggestion because the statute requires the two-week notice. (Ed. Code § 49414.7(g)(3).)

***ROBERT E. KLADIFKO, CALIFORNIA STATE UNIVERSITY NORTHRIDGE***

**Comment 16:** The commenter expresses concern as to who is liable if something goes wrong when a volunteer nonmedical school employee administers an emergency anti-seizure medication. The commenter expresses concern as to whether pressure will be put on staff to volunteer.

**Reject:** The statute and regulations state that volunteer nonmedical school personnel will be indemnified. (Ed. Code § 49414.7(i), 5 CCR § 623(f)(6).) The statute does not address other issues of liability or indemnification. Accordingly, the CDE believes it is not necessary

or appropriate to address any further issues of liability or indemnification. The statute states that an employee shall not coerce another employee into volunteering. (Ed. Code § 49414.7(g)(2).) The CDE believes it is not necessary to include that reference, relating to recruitment, in regulations that focus on training and supervision.

***DIANE GOLDMAN, SAN FRANCISCO USD***

**Comment 17:** The commenter approves of the requirement in the statute and the regulations to call 911.

**No response required.** The statute and regulations require that, when a volunteer nonmedical school employee administers an emergency anti-seizure medication, the administrator, or if the administrator is not available another staff member must call 911. (Ed. Code § 49414.7(m)(3)(c), 5 CCR § 623(c).)

***ROSEMARIE ALPAY, SAN JUAN UNIFIED SCHOOL DISTRICT***

**Comment 18:** The commenter expresses concern that a volunteer who is asked to make a determination as to whether to call 911 is making a nursing judgment.

**Reject:** The purpose of these regulations is to implement SB 161, as codified at Education Code section 49414.7, which authorizes volunteer nonmedical school personnel, under specified conditions, to administer emergency anti-seizure medication. Section 49414.7(b) states that it provides that authorization “notwithstanding . . . Section 2732 of the Business and Professions Code.”

The statute and regulations require that, when a volunteer nonmedical school employee administers an emergency anti-seizure medication, the administrator, or if the administrator is not available another staff member, must call 911. (Ed. Code § 49414.7(m)(3)(c), 5 CCR § 623(c).) There is no discretion as to whether to call 911. That is, if there is an administration of an emergency anti-seizure medication, 911 must be called. The volunteer is one potential staff member who could make that call if the administrator is not available.

***MAGGIE IKEDA PENDLETON, CLOVIS USD***

***DIANE DURANDO, CLOVIS USD***

**Comment 19:** Several commenters recommend that in the absence of a school nurse, 911 should be called.

**No response required:** The statute and the regulations already state that 911 must be called.

***TRICIA HUNTER, AMERICAN NURSES ASSOCIATION CALIFORNIA***

**Comment 20:** The commenter expresses concern that the regulations do not contain sufficient detail as to training. The commenter references as examples other guidelines such as CDE’s Training Standards for the Administration of Epinephrine Auto-Injectors, the California Department of Public Health’s Guidelines for the Management of Asthma in California Schools, CDE’s Program Advisory on Medication Administration, and Tennessee’s Guidelines for the Emergency Use of Anti-Seizure Medication in Schools, as well as statutes and regulations on health care professionals training and supervising.

**Reject:** The regulations require that training be in accordance with the particular manufacturer's instructions and the pupil's health care practitioner's instructions, and that it cover the recognition and treatment of different types of seizures, administration of the medication, basic emergency follow-up procedures, techniques and procedures to ensure pupil privacy, and record-keeping and record retention. (5 CCR §§ 623(a) - (e), 624(a) and (b).) The manufacturer's instructions and the health care practitioner's instructions will provide a certain level of individualized detail in each training. An LEA that chooses to participate in the program has discretion as to the details of the training on the other required topics. The CDE will post samples of best practices on these other topics in the clearinghouse. The CDE believes it is not necessary or appropriate to mandate any further specific training details by way of regulation.

**Comment 21:** The commenter recommends that the rights of the volunteer be separated out into a different section from the content of the training.

**Reject:** The CDE believes the formatting change is not necessary.

***LAURA OLIVO, MARIN COUNTY OFFICE OF EDUCATION***

***FRANK RODRIGUEZ, ANAHEIM CITY SCHOOL DISTRICT***

***MARIAN OLIVER, HUNTINGTON BEACH UNION HIGH SCHOOL DISTRICT***

***KAREN TEMPLE, ANAHEIM CITY SCHOOL DISTRICT***

***MARCI MCLEAN-CRAWFORD, HUNTINGTON BEACH UNION HIGH SCHOOL DISTRICT***

**Comment 21.1:** The commenters recommend more detailed training requirements relating to the recognition of seizures.

**Reject:** The state and regulations require that the training cover the recognition and treatment of different types of seizures. (Ed. Code § 49414.7(m)(3)(A); 5 CCR § 623(a).) An LEA that chooses to participate in the program has discretion as to the details of the training. The CDE will post samples of best practices in the clearinghouse. The CDE believes it is not necessary to mandate any further details regarding training in recognition of seizures.

***KIMI KO COLLINS CURTIS, SANTA CLARA COUNTY OFFICE OF EDUCATION***

***DEBORAH MUTMAN, SANTA CLARA COUNTY OFFICE OF EDUCATION***

***CAROL KEMP NEMIRO, HOLLISTER SCHOOL DISTRICT***

**Comment 22:** These commenters express concern that the requirement to observe the student after the administration of an anti-seizure medication violates Education Code section 49423.5(D) because it involves a nursing assessment.

**Reject:** As stated above, the purpose of these regulations is to implement SB 161, as codified at Education Code section 49414.7, which authorizes volunteer nonmedical school personnel, under specified conditions, to administer emergency anti-seizure medication. Section 49414.7(b) states that it provides that authorization "notwithstanding . . . Section 2732 of the Business and Professions Code."

The statute requires that the local plan include the pupil's health care practitioner's instructions which must include a protocol for observing the student after the seizure. (Ed. Code § 49414.7(k)(6)(I); 5 CCR § 626(a)(3)(I).) The protocol includes whether the pupil should rest in the office, whether the pupil may return to class, and the length of time the

pupil should be under direct observation. *Id.* The statute does not delineate who is to perform the observation. It does state that the parent and school nurse are to be contacted to “continue the observation plan” contained in the aforementioned protocol. (Ed. Code § 49414.7(k)(6)(J); 5 CCR § 626(a)(3)(J).) The statute appears to contemplate that persons who could be involved in observation could include a volunteer nonmedical school employee. For example, Section 623(f)(7) notes that a volunteer nonmedical school employee who monitors a pupil after administration of an emergency anti-seizure medication is entitled to compensation if the monitoring requires him or her to work beyond his or her normal hours.

A separate Education Code section, Education Code section 49423.5, addresses the performance of specialized health care services such as catheterization, gastric tube feeding and suctioning by unlicensed, trained school personnel. Education Code section 49423.5(D) states that the definition of specialized health care services does not include services that involve a nursing assessment, interpretation or decision making. It is not necessary to address in these regulations whether or not the administration of an emergency anti-seizure medication constitutes a specialized physical health care service.

***ROSEMARIE ALPAY, SAN JUAN USD***

**Comment 23:** The commenter recommends that a child stay home from school for one day after receiving diastat at home.

**Reject:** The statute provides that the local plan shall include the requirement that the parent notify the school if the pupil has had an emergency anti-seizure medication administered within the past four hours on a school day. (Ed. Code § 49414.7(k)(4).) The statute does not require that the student stay home in such a situation, and, in any event, the CDE is not aware of any legal authority that would permit such a requirement.

**SECTION 624**

***PAMELA KAHN, ORANGE COUNTY DEPARTMENT OF EDUCATION***

**Comment 24:** The commenter expresses concern that the training must be in accordance with the medication manufacturer’s instructions, that the manufacturer’s instructions for Diazepam at <http://www.diastat.com> state that the prescribing physician should validate that a caregiver is competent to administer the medication, and yet the regulations do not require such physician’s validation in order for a trained volunteer to administer the medication. Thus, the commenters see an inconsistency.

**Reject:** There is no requirement in the statute that the pupil’s physician validate a volunteer’s competence to administer an emergency anti-seizure medication.

The regulations require training in administration of an emergency anti-seizure medication, section 623(b), that must be in accordance with the manufacturer’s instructions. (5 CCR § 624(a).) First, while diazepam is currently the only emergency anti-seizure medication approved by the FDA, the statute contemplates that other such medications may be approved in the future. Second, the statute provides that the physician is just one of five categories of licensed health care professionals authorized to do training. (Ed. Code § 49414.7(m)(5); 5 CCR §§ 622 (a) - (e).) Third, the legislation does not prescribe a

particular validation of volunteer competency, but rather indicates that a person who completes the training is qualified to administer an emergency anti-seizure medication.

The regulations must implement the legislative intent of the statute. Adding a regulation requiring that volunteer nonmedical school personnel be validated by the physician would be inconsistent with the intent of the statute.

It is not necessary or appropriate in these regulations to further address any perceived inconsistency.

## **SECTION 625**

**MAGGIE IKEDA PENDLETON, CLOVIS USD**

**KATHY HUNDEMER; CALIFORNIA SCHOOL NURSES ORGANIZATION**

**DIANE DURANDO, CLOVIS USD, APRIL 20 AND MAY 7, 2012.**

**LETICIA PLAZA, CLOVIS USD**

**Comment 25:** Several commenters recommend that training be done each time a student who may need administration of an emergency anti-seizure medication enrolls in a school district, and at least annually for students who are already enrolled.

**Partially accept:** The CDE notes that, presently, the regulation only addresses re-training. The CDE finds it is necessary to amend the regulation to add the circumstances under which training should take place in the first instance, and to amend the regulation on re-training accordingly.

The CDE believes the regulations, as amended, are sufficiently clear that training must occur when a new student enrolls and other circumstances apply, because training must be in accord with the pupil's physician's health care instructions. In other words, the training must relate to an individual pupil.

**Partially reject:** The CDE does not believe it is necessary to or appropriate to require annual training. The statute contemplates re-training every two years if there has not been an administration of anti-seizure medication within that time period. Thus, it is presumed that a volunteer who has administered the medication within the past two years has had recent enough practical experience such that re-training is not mandated. It should be noted that nothing in the statute or the regulations precludes an LEA that chooses to participate in the program from providing more frequent training than is mandated if it so chooses.

**TRICIA HUNTER, AMERICAN NURSES ASSOCIATION CALIFORNIA**

**Comment 26:** The commenter recommends that the regulation be amended to indicate that training, or re-training, is required when (1) a new pupil enrolls who may require an emergency anti-seizure medication, (2) there is a change in the health care provider's instructions, or (3) the supervisor determines that the volunteer needs additional training.

**Partially accept and reject:** The CDE notes that, presently, the regulation only addresses re-training. The CDE finds it is necessary to amend the regulation to add the

circumstances under which training should take place in the first instance, and to amend the regulation on re-training accordingly.

As for (1), the CDE does not believe it is necessary to amend the regulation to indicate that training is required whenever a new pupil enrolls who may require an emergency anti-seizure medication. That is sufficiently covered in proposed (a) below. That is, the CDE believes the amended regulations, noted above, are sufficiently clear that training must occur when a new student enrolls and other circumstances apply, because training must be in accord with the pupil's physician's health care instructions. In other words, the training must relate to an individual pupil.

As for (2), the CDE does not believe it is necessary to amend the regulations to require a full re-training when there is a change in the health care provider's instructions. However, the CDE does agree that the supervisor must review any change in the health care practitioner's instructions with the volunteer. This will be covered by an amendment to section 627 on supervision.

As for (3), the CDE does not believe it is necessary to amend the regulations to require re-training when the supervisor determines that the volunteer needs additional training. A supervisor has discretion to make determinations about the need for additional training, but additional training needn't be made mandatory. Nothing in the statute or regulations precludes an LEA that chooses to participate in the program from providing more training than is mandated.

***CAROL KEMP NEMIRO, HOLLISTER SCHOOL DISTRICT***

**Comment 26.1:** The commenter expresses concern that training should be more frequent.

**Reject:** For reasons stated above, see response to comment 26. The CDE rejects this comment.

**SECTION 626**

***BONNIE CASTILLO, CALIFORNIA NURSES ASSOCIATION***

**Comment 27:** The commenter recommends that section 626(a)(3)(J) be amended to require that once the parent has been notified that her child has been administered an emergency anti-seizure medication, the parent must come to school to continue the observation plan if a school nurse is not available.

**Reject:** Section 626(a)(3)(I) requires a protocol for observing the pupil after a seizure. Subdivision (a)(3)(I) does not delineate who will perform the observation. Subdivision (a)(3)(J) requires that following a seizure, the pupil's parent/guardian and the school nurse, if a credentialed nurse is assigned to the school district, county office of education, or charter school, shall be contacted to continue the observation plan described in subdivision (a)(3)(I). Subdivision (a)(3)(J), likewise, does not delineate who will perform the observation. Presumably, that would be addressed in the protocol for observing the pupil after a seizure pursuant to subdivision (a)(3)(I). It would appear that persons who could be involved in observation could include a volunteer nonmedical school employee. For example, section 623(f)(7) notes that a volunteer nonmedical school employee who

monitors a pupil after administration of an emergency anti-seizure medication is entitled to compensation if the monitoring requires him or her to work beyond his or her normal hours. Others who could be involved in observation would be a school nurse if assigned and available, and a parent. However, it does not appear that the intent of the statute is to require the parent to come to school to observe the student, and, in any event, the CDE is not aware of any legal authority that would require a parent to do so.

**TRICIA HUNTER, AMERICAN NURSES ASSOCIATION CALIFORNIA**

**Comment 28:** The commenter expresses concern that the regulations do not incorporate certain required elements of the local plan per the statute, including (1) the requirement to identify existing licensed staff who could be trained (Ed. Code § 49414(k)(1)), (2) the requirement to have on file written authorization from the parent or guardian for a volunteer nonmedical school employee to administer an emergency anti-seizure medication (Ed. Code § 49414.7(k)(3)), and (3) the requirement that the parent or guardian notify the school if the pupil has had an emergency anti-seizure medication administered within the past four hours on a school day. (Ed. Code § 49414.7(k)(4).) The commenter also recommends adopting a standardized form upon which the pupil's physician can document all of the information required by the statute and regulations, i.e. the information contained in Education Code sections 49414.7(l)(6)(A) through (J) and sections 626(a)(3)(A) through (J).

**Partially accept and reject:** As for (2), the CDE agrees that it is necessary to amend section 626(a)(2) to change the focus from the parent's request for training of volunteers, as discussed in section 625, to the parent's written authorization for the volunteer to actually *administer* the medication, as discussed in section 626. Thus, we propose amending section 626(a)(2) to state, "The parent or guardian of the pupil with epilepsy has provided written authorization for a volunteer nonmedical school employee to administer an emergency anti-seizure medication."

As for (1), the CDE does not believe it is necessary to include the local plan requirement to identify existing licensed staff who could be trained, because the regulation addresses only training and supervision of volunteer nonmedical school employees should be provided. Section 626(a)(7) states that such volunteer assistance should only be provided when a credentialed school nurse or licensed vocational nurse is not available.

As for (3), the CDE does not believe it is necessary to include the local plan requirement that the parent or guardian notify the school if the pupil has had an emergency anti-seizure medication administered within the past four hours on a school day, because these regulations address only the training and supervision of volunteer nonmedical school employees to provide emergency medical assistance.

As for the recommendation for a standardized form for the doctor to fill out the required elements, the CDE believes, as stated in response to earlier comments above, that it is unnecessary to adopt a standardized form for communication between the school and the physician through the regulatory process. The CDE notes that when standardized forms are adopted, any subsequent proposed changes must also go through the regulatory process. The LEAs can adopt forms that work for them. The statute calls for CDE to post



on its web site a clearinghouse for best practices in training volunteer nonmedical school personnel in emergency administration of anti-seizure medication to pupils with epilepsy suffering from seizures. (Ed. Code § 49414.7(m)(3).) Sample forms will be included in the clearinghouse.

## **SECTION 627**

**MAGGIE IKEDA PENDLETON, CLOVIS USD**

**KATHY HUNDEMER, CALIFORNIA SCHOOL NURSES ORGANIZATION**

**DIANE DURANDO, CLOVIS USD, APRIL 20 AND MAY 7, 2012.**

**LETICIA PLAZA, CLOVIS USD**

**Comment 29:** The commenters recommend (1) that the type and frequency of supervision be specified and (2) that the regulations address school district and personal liability for off-duty volunteer nonmedical school personnel who are also designated friends of the family who volunteer to administer emergency anti-seizure medications when they are not working in their official employment capacity.

**Reject:** As for (1), the CDE is unsure as to what is meant as to the type and frequency of supervision. As noted in section 621(e), supervision means review, observation, and/or instruction of a designated nonmedical school employee's performance, but does not necessarily require the immediate presence of the supervisor at all times. In section 627, supervisory tasks are delineated: ensuring that volunteers have met the requirements to administer anti-seizure emergency medication, that they have ready access to required information and materials, and that they perform required reporting and documenting functions. The CDE believes that supervision is sufficiently defined, and that it is not necessary to specify the frequency of supervision.

As for (2), the regulations address training and supervision of volunteer nonmedical school employees who provide emergency medical assistance during the regular school day, which, as defined in section 621(d), may include before and after school activities. The regulations state that volunteer nonmedical school employees who administer emergency anti-seizure medication pursuant to this program will be provided indemnification. (Ed. Code § 49414.7(i) and 5 CCR § 623(f)(6).) Volunteer nonmedical school employees are to be compensated when administration of an emergency anti-seizure medication and subsequent monitoring of a pupil requires a volunteer to work beyond his or her normally scheduled hours. (5 CCR § 623(f)(7).) The statute does not address situations in which a volunteer nonmedical school employee assists a pupil at a time when the employee is not in an employment capacity. The CDE does not believe it is necessary or appropriate to address such issues in regulations.

**TRICIA HUNTER, AMERICAN NURSES ASSOCIATION CALIFORNIA**

**Comment 30:** Ms. Hunter had the following comments:

(1) With respect to section 627(a)(5), the volunteer should not have the responsibility of retaining records relating to the administration of emergency anti-seizure medication;

(2) Recommends that the section be re-organized to distinguish administrative from monitoring and evaluative functions, and that the portion relating to monitoring and evaluative functions reference the definition of supervision in section 621(e) and include a list of monitoring and evaluative activities and a time frame for completing them;

(3) The commenter recommends adding a requirement ensuring that the volunteer report various information (the administration of an emergency anti-seizure medication, medical errors, problems or concerns with the provision of the pupil's health care) to the supervising health care professional as soon as possible;

(4) Recommends adding a requirement that records be maintained safely, confidentially, and in accordance with the Health Information Portability and Accountability Act (HIPAA);

(5) Notes that diazepam is a schedule 4 controlled substance and recommends including information on receipt, storage, disposal, and monitoring of medication for expiration. The commenter recommends referencing the CDE Program Advisory on Medication Administration for this purpose;

(6) Recommends providing more guidance relating to the administration of emergency anti-seizure medication on field trips and extracurricular activities;

(7) The commenter recommends ensuring that the supervising health care professional is notified that a new student who may require emergency medical assistance has enrolled in the school, that there have been changes in the pupil's health care provider's instructions, and whether there have been any concerns relating to the student's care; and

(8) Recommends developing a standardized form for the exchange of information between a school nurse and the pupil's physician.

**Partially accept:** The CDE's responses are as follows:

(1) The CDE accepts this comment. Education Code section 49414.7(n)(3) simply states the school shall retain all records relating to the administration of emergency anti-seizure medication. Therefore, section 627(a)(5) is amended to delete the requirement that the volunteer retain records.

(7) The CDE agrees that supervision should include reviewing changes in the health care provider's instructions with the volunteer, and proposes adding this as section 627(a)(6). Specifically, that section will now read, "[Supervisor shall ensure that ] Volunteer nonmedical personnel review any changes in the pupil's health care provider's instructions with the supervising licensed health care professional."

**Partially reject:** The CDE's responses are as follows:

(2) The CDE rejects as unnecessary the recommendation to re-organize section 627, and to delineate additional supervisory activities and a time frame for completing them. The CDE believes the organization of the section is sufficiently clear and that it is not necessary to delineate additional supervisory activities. Rather, decisions as to such activities are matters best left to the discretion of the administrator of the LEA that chooses to participate in the program. Nothing in these regulations precludes an LEA from including supervisory activities that are not mandated in regulations.

(3) Section 627(a)(4) requires that the volunteer nonmedical school employee report every administration of an emergency anti-seizure medication to the school administrator. The CDE believes it is not necessary to delineate additional reporting that the volunteer must make to the supervising health care professional, and believes these are matters best left to the discretion of the administrator. The statute provides that it is the separate responsibility of the administrator (or another designated staff member) to report the administration of an emergency anti-seizure medication to the school nurse. (Ed. Code § 49414.7(n)(1).)

As for (4), existing law addresses general requirements on maintenance of confidential student records, and it need not be repeated in these regulations. The clearinghouse will include guidance on HIPPA.

As for (5), existing law addresses general requirements on delivery, storage and disposal of medication at school, and it need not be repeated in these regulations. The clearinghouse will include the CDE's Program Advisory on Medication Administration which addresses these issues in Sections V and VIII.

As for (6), the regulations apply to administration of emergency anti-seizure medication during the regular school day, which as defined in section 5 CCR 621(d), may include field trips and extracurricular activities. It is not necessary to have separate regulations for such activities. The clearinghouse will include the CDE's Program Advisory on Medication Administration, which addresses medication administration for field trips and school-related activities in Section IX.

As for (7), the CDE rejects as unnecessary a requirement that there be notification that a new pupil who may require administration of an emergency anti-seizure medication has enrolled in the school. As discussed in section 625 above, the CDE believes the proposed amendments to section 625 make it sufficiently clear when training must occur. The CDE rejects as necessary adding a supervision requirement mandating that the supervisor be informed of any concerns that arise regarding a student's care. Such details of supervision are matters best left to the discretion of the LEA that chooses to participate in the program. There is nothing in the statutes or regulations that preclude an LEA that chooses to participate in the program from addressing further details of supervision beyond what is mandated in regulations.

As for (8), the CDE believes that it is unnecessary to adopt standardized forms through the regulatory process. The LEAs have discretion to adopt forms that work for them. The statute calls for the CDE to post on its Web site a clearinghouse for best practices in training volunteer nonmedical school personnel in emergency administration of anti-seizure medication to pupils with epilepsy suffering from seizures. (Ed. Code § 49414.7(m)(3).) Sample forms will be included on the clearinghouse.

**Comments not related to any particular section of the regulations**

**Comment 31:**

**CHRISTI HECK  
STEVEN BAUM  
LYNN CONTINO  
JOANN SEPULVEDA  
SUSAN SEVERN  
MR./MRS. UINI  
IDA FOO  
CHRISTIE DIPLEY  
LAURA PRINTY  
CAMEO MEAD  
ERIKA BOEHM  
JAIME POLITES  
SUSY HOVLAND  
PATRICK KELLEY  
ABBY McDONOUGH  
REBEKKAH HALLIWELL  
MAHER MILLY  
MELISSA WILLIAMSON  
STACIE KNABLE-CROOK  
JAMES GRISOLIA  
COLLEEN DAVIS  
MARK WALLACE  
KARA BARTON  
ANN AND JIM KINKOR  
ALICIA MARTINEZ  
EDWIN SHEN  
CALVIN MILLER  
SCOTT DAINTY  
VANESSA CUENCA  
SHARON BRANDES  
SARITA FREEDMAN  
ANDRIA CUENCA  
SOO IHM  
MARK CERVANTES  
PANCHITTA CRESPO  
MR./MRS. GUTIERREZ  
KERRY PERRYMAN  
KELLY HOBAN  
LAWRENCE RAOUX**

**JOSHUA HAMMER  
LINDA NOVACK  
MR./MRS. SITOMER  
SYLVIA RODRIGUEZ  
MR./MRS. STAMBACH  
LORENA OCHOA  
JOSHUA JONES  
TASHA SHERMAN  
SAM HUMPHRIES  
ALAN HAGGARD  
DEBBY HIGGINS  
MARILYN NAKAMURA  
LIZA REYES  
PHILIP SODERLIND  
KEVIN CUSHING  
LAURETTE HAYDEN  
ARTHUR SUTORUS  
KATHERINE HAYES  
RODRIGUEZ  
SUSAN SIMMONS  
MARTHA STEVENSON  
ASHLEY NORMANN  
YVONNE DELANEY  
AIDA GARCIA  
CHRISTINE ALEMAN  
CECILIA NAVARETTE  
JENNIFER SALVINO  
STEVEN KAHANIC  
JENNIFER SHILLINGER  
GLORIA RODRIGUEZ-  
VASQUEZ  
E. STRUYK  
RHONDA LITT  
CARI MACLEAN  
LISA MCAFEE  
PATRICIA HERRERA  
TROY DUN  
CHRISTINE SAVELLA  
JOHN BABAJIAN**

**MONICA ROBINSON  
MICHELE MORRIS  
MR./MRS. HERNANDEZ  
SYDNEY VERNE  
LARRY VERNE  
BARBARA VERNE  
CAROLE DIAS  
BARBARA LESLEY  
CHERYL HEIN  
DEAN SARCO  
JANNA SHADDUCK-HERNANDEZ  
RICHARD ROY  
LORRAINE OBEID  
PAT LEET  
CINDY FINKELSTEIN  
ERNESTO MALDONADO  
LISA TARLTON  
STACEY WILDER  
MICHELLE THAMES  
MR./MRS. WILFORD  
JULIANNA KIRBY  
LARRY KOMAR  
ANNE WAYMAN  
ANGELA BOUSMAN  
KARINA CASTANEDA  
AREND WHITE  
SHELLY WILFORD  
MR./MRS. BRIZEE  
AZITA KARIMKHANY FATHEREE  
LISA VORELL  
B.A. WILFORD  
ELIZABETH LANGLEY  
STEVE WILDER  
STATE SEN. BOB HUFF  
SANDRA CUNEO  
WARREN TOTTEN  
JANE TOTTEN  
TRACY BEACH**

These commenters urge that the emergency regulations be made permanent.

**Partially accept, partially reject:** The CDE has amended the regulations according to comments received, as explained in detail herein.

***CAROL KEMP NEMIRO, HOLLISTER SCHOOL DISTRICT***

**Comment 32:** These commenters express opposition to the passage of SB 161.

**No response required:** SB 161 was passed by the legislature, signed into law by the Governor, and codified at Education Code section 49414.7. The purpose of these regulations is to implement the statute by providing guidance on training and supervision of volunteer nonmedical school personnel. (Ed. Code § 49414.7(m)(2), 5 CCR § 620).)

***BONNIE CASTILLO, CALIFORNIA NURSES ASSOCIATION***

**Comment 33:** The commenter notes procedural and substantive objections to the emergency regulations.

**No response required:** The emergency regulations were adopted by the Office of Administrative Law.

***MAGGIE IKEDA PENDLETON, CLOVIS USD***

***KATHY HUNDEMER, CALIFORNIA SCHOOL NURSES ORGANIZATION***

***DIANE DURANDO, CLOVIS USD***

***LETICIA PLAZA, CLOVIS USD***

**Comment 34:** The commenters object to statements in the regulations package as to the number of children with epilepsy in California and that the SBE had determined there are no mandated costs associated with this voluntary program.

**No response required:** The purpose of this Final Statement of Reasons (FSR) is to respond to comments received on the substance of the proposed regulations

***DOLORES DURAN-FLORES, CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION***

**Comment 35:** The commenter asserts she believes there will be costs associated with the program.

**No response required:** The purpose of this FSR is to respond to comments received on the substance of the proposed regulations

***DOLORES SANCHEZ, CALIFORNIA FEDERATION OF TEACHERS***

**Comment 36:** The commenter expresses concern that the regulations do not address funding for training.

**Reject:** The statute does not address how LEAs that choose to participate in the program will fund any training costs. It is not necessary or appropriate to address the issue in regulations.

***SUMMARY OF STAKEHOLDER MEETING OF MAY 18, 2012***

The following people were in attendance on May 18, 2012:

**Marc Lerner, Orange County Dept. of Ed;**  
**Caroline Peck, CA Dept of Public Health;**  
**Anita Butler, CA Dept of Public Health;**

**Dolores Duran-Flores, CA School Employees Association;  
Jai Sookprasert, CA School Employees Association;  
Jean Roche, CNA (Ca Nurses Association);  
Kelly Garman, Office of Senate Republican Leader Bob Huff;  
Ryan Cogdill, Office of Senate Republican Leader Bob Huff;  
Katy Waugh, California School Nurses Organization;  
Tricia Hunter, American Nurses Association California;  
Dolores Sanchez, CFT Legislative Representative;  
Anne Kinkor, Epilepsy Foundation;  
Christina and Andrew Kurtz, Parents;  
Rosemarie Alpay, San Juan USD;  
Dolores Sanchez, California Federation of Teachers.**

The purpose of this meeting was to provide the Stakeholders and the CDE an opportunity to engage in dialogue regarding the proposed regulations. Such dialogue, although outside the 45 day comment period, aided the CDE in expanding its perspective on the issues, as it moved toward the completion of the regulatory process.

**AFTER THE 45-DAY COMMENT PERIOD, THE FOLLOWING CHANGES WERE MADE TO THE PROPOSED TEXT OF THE REGULATIONS AND SENT OUT FOR A 15-DAY COMMENT PERIOD.**

General changes were made to the regulations to include grammatical edits and renumbering/relettering to reflect deletions or additions.

**SECTION 620** is amended to delete the phrase “during the regular school day.” This is necessary to maintain consistency in that section 621(d), the definition of “regular school day,” is being deleted.

**SECTION 621 (d)** is deleted in response to a comment that expressed concern that the definition exceeds the scope of the statute. The amendment is necessary to ensure that the regulations are limited to those that are reasonably necessary to implement the statute.

**SECTION 623(f)(9)** is amended to add that “each report shall be documented.” This is necessary in order to maintain consistency with section 627(a)(5), which requires that volunteer nonmedical school employees document the administration of emergency anti-seizure medication.

**SECTION 623 (f)(10)** is added in response to a comment expressing concern that volunteers should know that their participation is truly voluntary. The amendment is necessary for purposes of clarity and to ensure that the volunteer clearly understands his/her rights.

**SECTION 623 (f)(11)** is added in response to a comment expressing concern that volunteers should know that their participation is truly voluntary. The amendment is necessary for purposes of clarity and to ensure that the volunteer clearly understands his/her rights.

**SECTION 624(b)** is amended to state “the pupil’s health care provider’s instructions as specified in section 626(a)(3).” This is necessary to clarify that the instructions being referred to are those specified in detail elsewhere in the regulations.

**SECTIONS 625(a)(1-3)** are added to clarify the circumstances under which training should take place in the first instance. This is necessary because, presently, the regulations only address the timing of re-training.

**SECTIONS 625(b)(1-3)** are added to clarify the circumstances under which re-training should occur. This is necessary in order to maintain consistency, given the addition of sections 625(a)(1-3) as to the circumstances under which training should take place in the first instance.

**SECTION 626(a)(2)** is amended to change the focus from the parent’s request for training of volunteers, which is one of the predicates to conducting training as discussed in section 625, to the parent’s written authorization for the volunteer to actually administer the medication, which is one of the predicates to the volunteer administering an emergency anti-seizure medication as discussed in section 626. Thus, we propose amending section 626(a)(2) to state, “The parent or guardian of the pupil with epilepsy has provided written authorization for a volunteer nonmedical school employee to administer an emergency anti-seizure medication.”

**SECTION 626(a)(5)** is amended to state that one of the predicates for administering an emergency anti-seizure medication is not only that the volunteer has completed training but that documentation of completion must be recorded in his or her personnel file. This is necessary to ensure consistency with section 623(f)(3), which states that the volunteer will be informed during training that he must not administer an emergency anti-seizure medication until he has completed the required training and documentation of completion is recorded in his personnel file.

**SECTION 627(a)(5)** is amended to delete the requirement that the volunteer retain the records. This is necessary to ensure consistency with Education Code section 49414.7(n)(3), which simply states that “a school or charter school” shall retain all records relating to the administration of emergency anti-seizure medication records.

**SECTION 627(a)(6)** is added to read “[Supervisor shall ensure that] Volunteer nonmedical personnel review any changes in the pupil’s health care provider’s instructions with the supervising licensed health care professional.” This section is added in response to public comment. Existing regulations state that training must be provided in accordance with the pupil’s health care provider’s instructions, section 624(b) – the contents of which are detailed in section 626(a)(3) – that a volunteer cannot administer an emergency anti-seizure medication until he has completed the training, sections 623(f)(2) and (3), and that supervisor must ensure that the volunteer must have access to the pupil’s health care provider’s written instructions, section 627(a)(3). Accordingly, the expectation is that the volunteer will provide emergency medical assistance in accordance with the pupil’s health

care provider's instructions. The amendment is necessary to ensure that, if there are changes in the pupil's health care provider's instructions, the volunteer will provide emergency medical assistance in accordance with the revised instructions.

**SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE 15-DAY PUBLIC COMMENT PERIOD FROM JULY 21, 2012 THROUGH AUGUST 6, 2012, INCLUSIVE.**

The modified text was available to the public from July 21, 2012 through August 6, 2012. Comments were received from 113 individuals during this time period. Pursuant to California Government Code sections 11346.9(a)(3) and (a)(5), the CDE, on behalf of the SBE, has summarized and responded to the written comments as follows:

***PAM ATKINS, TUSTIN USD***

***LOIS D. SCHULTZ-GRANT, CAMPBELL UNION HIGH SCHOOL DISTRICT***

***PEG KRUEGER, MANTECA USD***

***JENNY ZETTLER RHODES, CUPERTINO UNION SCHOOL DISTRICT***

***DIANE J. GOLDMAN, SAN FRANCISCO USD***

***ELAINE CALLAHAN, FRESNO COUNTY OFFICE OF EDUCATION***

***KATHERINE RODRIGUEZ, CAMPBELL UNION SCHOOL DISTRICT***

***NADINE WILCOX, LOS ANGELES COUNTY SUBURBAN K-8 SCHOOL DISTRICT***

***JUDY B. REYNOLDS, LONG BEACH USD***

***KATHARINE DREYFUSS, SANTA MONICA MALIBU USD***

***LOUISE BAILEY, BOARD OF REGISTERED NURSING***

***PAT CHRISTIE, MENLO PARK CITY SCHOOL DISTRICT***

***BRENDA BIRD, SWEETWATER UNION HIGH SCHOOL DISTRICT***

***KATHERINE WAUGH, CALIFORNIA SCHOOL NURSES ORGANIZATION***

***TRICIA HUNTER, AMERICAN NURSES ASSOCIATION/CALIFORNIA***

***MARY VAN HOOMISSEN, SAN JUAN USD***

***PATRICIA ATITYA, FRESNO USD***

***AILEEN ARCHIBALD, SIMI VALLEY USD***

***VICTORIA REISER, SANTA ANA USD***

***CATHY OWENS, MURRIETA VALLEY USD***

**Comment 37:** The commenters request that section 624 include a recognized training program such as that developed by the Epilepsy Foundation.

**No response required.** The CDE is not required to respond to comments that are not related to the specific changes proposed by the CDE that are the subject of this 15-day comment period. The CDE notes that numerous relevant reference materials are posted on CDE's internet "clearinghouse."

**Comment 38:** The commenters request that section 625 provide more clarity as to the definition and scope of supervision. The commenters refer to section 625 which discusses training; however, their comments are addressing section 627 which discusses supervision.



**No response required.** The CDE is not required to respond to comments that are not related to the specific changes proposed by the CDE that are the subject of this 15-day comment period.

**Comment 39:** The commenters request that section 626 be amended to provide that the school nurse is allowed to communicate with the supervising health care provider.

**No response required.** The CDE is not required to respond to comments that are not related to the specific changes proposed by the CDE that are the subject of this 15-day comment period.

***PAM ATKINS, TUSTIN USD***

**Comment 40:** The commenter requests that the statute, Education Code section 49414.7(g)(4), now referenced in 5 CCR section 623(f)(11), be amended to allow recruitment of volunteers more than twice per year.

**Reject:** The statute can only be amended by the Legislature. In addition, the statute limits the recruitment via electronic notice to twice per year. It is beyond the scope of these regulations to increase that frequency.

***LOIS D. SCHULTZ-GRANT, CAMPBELL UNION HIGH SCHOOL DISTRICT***

***MARY VAN HOOMISSEN, SAN JUAN USD***

**Comment 41:** The commenters request that the regulations include a requirement that volunteers be trained in CPR.

**No response required.** The CDE is not required to respond to comments that are not related to the specific changes proposed by the CDE that are the subject of this 15-day comment period.

***LOIS D. SCHULTZ-GRANT, CAMPBELL UNION HIGH SCHOOL DISTRICT***

**Comment 42:** The commenter requests that the regulations include a definition of emergency medication and a process for employees to follow to lodge a complaint if they feel forced to volunteer.

**No response required.** The CDE is not required to respond to comments that are not related to the specific changes proposed by the CDE that are the subject of this 15-day comment period.

***LOUISE BAILEY, BOARD OF REGISTERED NURSING***

**Comment 43:** The commenter expresses opposition to the statute and initial regulatory proposal.

**No response required.** The CDE is not required to respond to comments that are not related to the specific changes proposed by the CDE that are the subject of this 15-day comment period.

**Comment 44:** The commenter objects to the deletion of the definition of regular school day in sections 620 and 621(d) and asserts that this results in ambiguity about persons' obligations under the regulations.

**Reject:** The definition of regular school day was deleted because of concern that it exceeded the scope of the statute and that the regulations must be limited to those that are reasonably necessary to implement the statute.

**Comment 45:** The commenter requests that the regulations be amended to clarify “where” reports specified in section 623(f)(9) shall be documented.

**Reject:** The CDE believes the regulation provides sufficient guidance in indicating that reports of administration of anti-seizure medication must be documented. The statute does not specify where such reports must be documented.

**Comment 46:** The commenter requests that section 625 be amended to provide that re-training must occur when the supervising health care professional determines that the volunteer is not competent to administer the medication, or there are changes in the pupil's health care instructions, or there is a change in the health care status of the pupil.

**No response required.** The CDE previously addressed these issues in responses to public comment received during the 45-day comment period. The CDE is not required to respond to comments that are not related to the specific changes proposed by the CDE that are the subject of this 15-day comment period. As stated previously, nothing in the statute or regulations precludes an LEA that chooses to participate in the program from providing more frequent training than is mandated if it so chooses.

**Comment 47:** The commenter requests that section 625 be amended to indicate that training should occur when the parent has given written authorization for a volunteer to administer an emergency anti-seizure medication.

**Reject:** Section 625 indicates the circumstances under which training shall occur. Sections 625(a)(2) and (b)(3) reference situations in which the parent has requested that volunteers be trained. A separate section, section 626, indicates the circumstances under which administration of emergency anti-seizure medication shall occur. Those circumstances, in section 626, include that the parent has given written authorization for such administration. It is not necessary in section 625 to include, as a prerequisite to training, the specific requirement that the parent has given written authorization for administration of emergency anti-seizure medication.

**Comment 48:** The commenter requests that section 627(a)(5) be amended to state “who” shall document and “where” the administration of emergency anti-seizure medication shall be documented.

**Reject:** The regulation presently states that the volunteer shall document. The statute does not specify where such reports must be documented. The CDE believes the regulation provides sufficient information on this issue.

**Comment 49:** The commenter expresses concern that section 627(a)(6) relegates the supervisor to a passive role in reviewing any changes in the pupil's health care provider's instructions, and requests that the regulation be amended to make the supervisor's role a more active one.

**Reject:** Section 627(a)(6) states that the volunteer will review any changes in the pupil's health care provider's instructions with the supervisor. The CDE believes the section is

sufficiently clear. Any changes to the health care provider's instructions must be reviewed by both the volunteer and the supervisor.

***DOLORES SANCHEZ, CALIFORNIA FEDERATION OF TEACHERS***

**Comment 50:** The commenter requests that the regulations be amended to require collective bargaining, address funding for training, and clarify how pupil privacy will be ensured during the administration of emergency anti-seizure medication. The commenter also expresses concern that the statute and regulations violate the Nursing Practice Act.

**No response required.** The CDE previously addressed these issues in responses to public comment received during the 45-day comment period. The CDE is not required to respond to comments that are not related to the specific changes proposed by the CDE that are the subject of this 15-day comment period.

***PAMELA ADAM  
RAMAN SANKAR  
WENDY TAMASHIRO  
JOHNA MULLINS  
MARTHA STEVENSON  
ELISA ALARCON  
CLAUDINE DUTARET  
JULIA FAVRE  
CANDACE  
IDA C. FOO  
JILLIAN ZUKERBERG  
SUSANNA HOVLAND  
CAROL FARMER  
RAYMUNDO LUJAN  
CAROLYN AND EDWARD  
MC CARTHY  
GARY MILLER  
DR. SREEDHA TIRUNAGARI  
TEMRE MARSH  
CELIA BOYLE  
MICHELE BERMUDEZ  
JENNINE PIPPIN  
LARRY SPILER  
BETH STAMBACH  
RICHARD LANG  
CHRIS BOYLE  
SUSAN SEVERN  
ANDREA HAKALA  
FAYE STEINBERG  
THERESE CAMERON  
ALINE BICKERS  
ERIKA BOEHM  
DOROTHY OBRIEN***

***ANDREW BOYLE  
JAIME POLITES  
JEANNE SHAMJI  
TARA PALAGE  
DEBRA HOLGATE  
ANDREA YORK JENNINGS  
HEATHER OLDSON  
KL MATLOCK  
BRIAN MCINERNEY  
SYDNEY VERNE  
DONNA MIYASAKO-  
BLANCO  
MICHELLE BRENSEKE  
JOANNE GIBBONS  
LINDA MILLER  
JOSHUA B JONES  
LYN ROBINSON  
PATRICK KELLEY  
JAMES S GRISOLIA, MD  
LISA LIN  
CINDY VILLASENOR  
NANCY HILL  
TIFFANY GLASS  
RICHARD CAMERON  
LORRAINE OBEID  
GAIL GLASSON ABAYON  
MATT AND  
CAROLINE BOYLE  
TANYA MAGEE  
LAMBERT TALLEY  
LISA ROSENTHAL  
SCHAEFFER  
STEVEN BAUM***

***CAROLYN VALDES  
FRANCISCO CLAROS  
GREG LOWRY  
KAREN HOLMAN  
CAROL ARCHAMBEAULT  
MIKE SCHLOSSBERG  
REBEKKAH HALLIWELL,  
EPILEPSY FOUNDATION OF  
GREATER LOS ANGELES  
ANDREW NEFF  
MAXEL BATISTE  
MARK SILKE  
BILL HERGUTH  
MAUREEN STANELLE  
B.J. ZIMMERMAN  
HEATHER HOFFMAN  
KRIS HOFFMAN  
YU-HUA LIN  
SISTER ZINA ONORO  
TAMMY A. LUJAN  
THERESE CAMERON  
MONICA LARSON  
JEAN FERRARI  
MARK AND SUSAN YOUNG  
ALYSON YISRAEL  
GARY GROSS  
LUPE LONGORIA  
RONALD D. WENKART,  
ORANGE COUNTY OFFICE  
OF EDUCATION***

**Comment 51:** The commenters urge the permanent regulations be adopted.  
**No Response Required.**

**LINDA M. BOUMAN, PARENT**

**Comment 52:** Parent agrees that a volunteer is capable of administering the Diastat medication.

**No Response Required.** Comment letter was received after the close of the 15-day public comment period.

**BRIAN ALLDREDGE**

**Comment 53:** The commenter urges the regulations be adopted.

**No Response Required.** Comment letter was received after the close of the 15-day public comment period.

## **OTHER REQUIRED SHOWINGS – GOV. CODE SECTION 11346.2(b)(3), (5) and (6)**

### **Studies, Reports or Documents Relied Upon – Government Code Section 11346.2(b)(3):**

The CDE relied upon the following documents:

- CDE's Program Advisory on the Administration of Medication:  
<http://www.cde.ca.gov/ls/he/hn/documents/medadvisory.pdf>

## **ALTERNATIVES DETERMINATION**

The SBE has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

## **LOCAL MANDATE DETERMINATION**

The proposed regulations do not impose any mandate on local agencies or school districts because participation in the program is voluntary.

- The State Board of Education has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined.
- The 15-day text proposed to be added is in "**bold underline**", deleted text is displayed in "**~~bold strikeout~~**".

## **Title 5. EDUCATION**

### **Division 1. California Department of Education**

#### **Chapter 2. Pupils**

#### **Subchapter 3. Health and Safety of Pupils**

#### **Article 4.5. Administration of Emergency Anti-seizure Medication by Trained Volunteer Nonmedical School Personnel**

##### **§ 620. Application.**

This Article includes guidelines for training and supervision of volunteer nonmedical employees of those school districts, county offices of education and charter schools that elect to participate in a program of providing, in the absence of a credentialed school nurse or other licensed nurse, emergency medical assistance to pupils with epilepsy suffering from seizures, including administration of emergency antiseizure medication during the regular school day.

NOTE: Authority cited: Sections 33031 and 49414.7, Education Code. Reference: Section 49414.7, Education Code.

##### **§ 621. Definitions.**

As used in this Article, the following definitions apply:

(a) An "emergency anti-seizure medication" means diazepam rectal gel and emergency medications approved by the federal Food and Drug Administration (FDA), prescribed for patients with epilepsy for the management of seizures by persons without the credentials listed in section 622 below.

(b) "Emergency medical assistance" means the administration of an emergency anti-seizure medication to a pupil suffering from an epileptic seizure.

(c) "Nonmedical school personnel" or "nonmedical school employees" means employees of a school district, county office of education or charter school who do not

1 possess the licenses listed in section 622 below.

2 ~~(d) "Regular school day" may include not only the time the pupil receives~~  
3 ~~instruction, but also the time during which the pupil otherwise participates in~~  
4 ~~activities under the auspices of the local educational agency, such as field trips,~~  
5 ~~extracurricular and cocurricular activities, before or after school programs, and~~  
6 ~~camp or other activities that typically involve at least one overnight stay away~~  
7 ~~from home.~~

8 ~~(d)(e)~~ "Supervision" means review, observation, and/or instruction of a designated  
9 nonmedical school employee's performance, but does not necessarily require the  
10 immediate presence of the supervisor at all times.

11 NOTE: Authority cited: Sections 33031 and 49414.7, Education Code. Reference:  
12 Section 49414.7, Education Code

13  
14 **§ 622. Individuals Authorized to Train and Supervise Volunteer Nonmedical**  
15 **School Personnel To Administer Emergency Medical Assistance to Pupils With**  
16 **Epilepsy Suffering From Seizures.**

17 One or more of the following licensed health care professionals shall provide the  
18 training and supervision:

- 19 (a) A physician and surgeon;  
20 (b) A physician assistant;  
21 (c) A credentialed school nurse;  
22 (d) A registered nurse; or  
23 (e) A certificated public health nurse.

24 NOTE: Authority cited: Sections 33031 and 49414.7, Education Code. Reference:  
25 Section 49414.7, Education Code.

26  
27 **§ 623. Training Content.**

28 The training provided by a licensed health care professional shall include, but not be  
29 limited to, all of the following:

- 30 (a) Recognition and treatment of different types of seizures;

1 (b) Administration of an emergency anti-seizure medication;

2 (c) Basic emergency follow-up procedures, including, but not limited to, a  
3 requirement for the school or charter school administrator or, if the administrator is not  
4 available, another school staff member to call the emergency 911 telephone number  
5 and to contact the pupil's parent or guardian. The requirement for the school or charter  
6 school administrator or other school staff member to call the emergency 911 telephone  
7 number shall not require a pupil to be transported to an emergency room;

8 (d) Techniques and procedures to ensure pupil privacy;

9 (e) Record-keeping and record retention, including documenting,  
10 for each actual administration of an emergency anti-seizure medication, the pupil's  
11 name, the name of the medication administered, the dose given, the date and time of  
12 administration, the length of the seizure, and observation and action taken after the  
13 seizure;

14 (f) Informing the volunteer that:

15 (1) his or her agreement to administer an emergency anti-seizure medication is  
16 voluntary;

17 (2) he or she must complete the required training;

18 (3) he or she will not administer an emergency anti-seizure medication until he or  
19 she has completed the required training and documentation of completion is recorded in  
20 his or her personnel file;

21 (4) he or she may rescind his or her offer to administer an emergency anti-seizure  
22 medication up to three days after completion of the training;

23 (5) after three days after completion of the training, he or she may rescind his or her  
24 offer to administer an emergency anti-seizure medication with a two-week notice, or  
25 until a new individual health plan or Section 504 plan has been developed for an  
26 affected pupil, whichever is less;

27 (6) he or she will be provided defense and indemnification by the school district,  
28 county office of education, or charter school for any and all civil liability, in accordance  
29 with, but not limited to, that provided in Division 3.6 (commencing with section 810) of  
30 Title 1 of the Government Code;

1 (7) he or she will be compensated in accordance with his or her pay scale pursuant  
2 to Education Code section 45128, when the administration of an emergency anti-  
3 seizure medication and subsequent monitoring of a pupil requires a volunteer to work  
4 beyond his or her normally scheduled hours;

5 (8) if he or she has not administered an emergency anti-seizure medication within  
6 the past two years and if there is a pupil enrolled in the school who may need the  
7 administration of an emergency anti-seizure medication, the volunteer must be re-  
8 trained in order to retain the ability to administer an emergency anti-seizure medication;  
9 and

10 (9) he or she must report every administration of anti-seizure medication to the  
11 school or charter school administrator and each report shall be documented.

12 **(10) any agreement by an employee to administer an emergency antiseizure**  
13 **medication is voluntary, and an employee of the school or charter school or an**  
14 **employee of the school district or county office of education, or the charter**  
15 **school administrator, shall not directly or indirectly use or attempt to use his or**  
16 **her authority or influence for the purpose of intimidating, threatening, coercing,**  
17 **or attempting to intimidate, threaten, or coerce any staff member who does not**  
18 **choose to volunteer, including, but not limited to, direct contact with the**  
19 **employee.**

20 **(11) the electronic notice described in Education Code section 49414.7(g)(4)**  
21 **shall be the only means by which a school or charter school solicits volunteers.**

22 NOTE: Authority cited: Sections 33031 and 49414.7, Education Code. Reference:  
23 Section 49414.7, Education Code.

24  
25 **§ 624. Training Requirements.**

26 The training by a licensed health care professional must be provided in accordance  
27 with:

28 (a) The emergency anti-seizure medication manufacturer's instructions,

29 (b) The pupil's health care provider's instructions **as specified in section 626(a)(3);**

30 and



1 (c) Guidelines established within this Article.

2 NOTE: Authority cited: Sections 33031 and 49414.7, Education Code. Reference:  
3 Section 49414.7, Education Code.

4  
5 **§ 625. Training Timing.**

6 ~~**Volunteer nonmedical school personnel who have not administered an**~~  
7 ~~**emergency anti-seizure medication within the past two years shall be re-trained if**~~  
8 ~~**there is a pupil enrolled in the school who may need the administration of an**~~  
9 ~~**emergency anti-seizure medication.**~~

10 **(a) if a school district, county office of education, or charter school elects to**  
11 **participate in a program described in this Article, training of a volunteer**  
12 **nonmedical school employee shall occur when:**

13 **(1) a pupil with epilepsy has been prescribed an emergency anti-seizure**  
14 **medication by his or her health care provider, and**

15 **(2) the parent or guardian of the pupil with epilepsy has requested that one or**  
16 **more volunteer nonmedical school employees be trained in the administration of**  
17 **an emergency anti-seizure medication in the event that the pupil suffers a seizure**  
18 **when the nurse is not available, and**

19 **(3) a volunteer nonmedical school employee has volunteered to be trained.**

20 **(b) A volunteer nonmedical school employee who has previously completed**  
21 **training shall attend a re-training program if:**

22 **(1) he or she has not administered an emergency anti-seizure medication**  
23 **within the prior two years;**

24 **(2) a pupil with epilepsy has been prescribed an emergency anti-seizure**  
25 **medication by his or her health care provider; and**

26 **(3) the parent or guardian of the pupil with epilepsy has requested that one or**  
27 **more volunteer nonmedical school employees be trained in the administration of**  
28 **an emergency anti-seizure medication in the event that the pupil suffers a seizure**  
29 **when the nurse is not available.**

1 NOTE: Authority cited: Sections 33031 and 49414.7, Education Code. Reference:  
2 Section 49414.7, Education Code.  
3

4 **§ 626. When Emergency Medical Assistance By Trained Volunteer Nonmedical**  
5 **School Personnel Should Be Provided.**

6 (a) If a school district, county office of education, or charter school elects to  
7 participate in the program described in this Article, emergency medical assistance shall  
8 be provided by a volunteer nonmedical school employee when:

9 (1) A pupil with epilepsy has been prescribed an emergency anti-seizure medication  
10 by his or her health care provider;

11 (2) The parent or guardian of the pupil with epilepsy has **requested provided**  
12 **written authorization for a that one or more** volunteer nonmedical school employees  
13 **to administer an emergency anti-seizure medication ~~be trained in the event a~~**  
14 **nurse is not available;** and

15 (3) The school has on file a written statement from the pupil's authorized health care  
16 provider, provided by the parent, that shall include, but not be limited to, all of the  
17 following:

18 (A) The pupil's name;

19 (B) The name and purpose of the prescribed emergency anti-seizure medication  
20 approved by the federal Food and Drug Administration (FDA) for administration by non-  
21 licensed personnel;

22 (C) The prescribed dosage;

23 (D) Detailed seizure symptoms, including frequency, type, or length of seizures that  
24 identify when the administration of an emergency anti-seizure medication becomes  
25 necessary;

26 (E) The method of administration;

27 (F) The frequency with which the medication may be administered;

28 (G) The circumstances under which the medication may be administered;

29 (H) Any potential adverse responses by the pupil and recommended mitigation  
30 actions, including when to call emergency services;

1 (I) A protocol for observing the pupil after a seizure, including, but not limited to,  
2 whether the pupil should rest in the school office, whether the pupil may return to class,  
3 and the length of time the pupil should be under direct observation; and

4 (J) A statement that following a seizure, the pupil's parent/guardian and the school  
5 nurse, if a credentialed nurse is assigned to the school district, county office of  
6 education, or charter school, shall be contacted by the school or charter school  
7 administrator or, if the administrator is not available, by another school staff member to  
8 continue the observation plan as established in section 626(a)(3)(I).

9 (4) The parent has provided all materials necessary to administer an emergency  
10 anti-seizure medication;

11 (5) The volunteer nonmedical school employee has completed training in the  
12 administration of an emergency anti-seizure medication approved by the FDA for  
13 administration by non-licensed personnel **and documentation of completion has**  
14 **been recorded in his or her personnel file;**

15 (6) The pupil is suffering from an epileptic seizure; and

16 (7) A credentialed school nurse or licensed vocational nurse is not available.  
17 NOTE: Authority cited: Sections 33031 and 49414.7, Education Code. Reference:  
18 Section 49414.7, Education Code.

19  
20 **§ 627. Supervision of Trained Volunteer Nonmedical School Personnel in**  
21 **Administration of Emergency Medical Assistance, Including the Administration of**  
22 **Emergency Anti-seizure Medication, to Pupils with Epilepsy Suffering from**  
23 **Seizures.**

24 (a) If a school district, county office of education, or charter school elects to  
25 participate in the program described in this Article, the licensed health care professional  
26 supervising a volunteer nonmedical school employee shall ensure all of the following:

27 (1) The volunteer nonmedical school employee has completed the required training;

28 (2) The volunteer nonmedical school employee does not administer an emergency  
29 anti-seizure medication until he or she has completed the required training and  
30 documentation of completion is recorded in his or her personnel file;

1 (3) Volunteer nonmedical school employees have ready access to records including  
2 identification of eligible pupils, written authorization from the parent, the pupil's health  
3 care provider's written instructions, and parent notification to the school that the pupil  
4 has been administered an emergency anti-seizure medication within the past four hours  
5 on a regular school day;

6 (4) Volunteer nonmedical school employees report every administration of  
7 emergency anti-seizure medication to the school or charter school administrator; **and**

8 (5) Volunteer nonmedical school employees document ~~and retain records relating~~  
9 ~~to~~ the actual administration of emergency anti-seizure medication, including the pupil's  
10 name, the name of the medication administered, the dose given, the date and time of  
11 administration, the length of the seizure, and observation and action taken after the  
12 seizure.; **and**

13 **(6) Volunteer nonmedical school employees review any changes in the pupil's**  
14 **health care provider's instructions with the supervising licensed health care**  
15 **professional.**

16 NOTE: Authority cited: Sections 33031 and 49414.7, Education Code. Reference:  
17 Section 49414.7, Education Code.

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29 6-29-12 [California Department of Education]

STATE OF CALIFORNIA — DEPARTMENT OF FINANCE

**ECONOMIC AND FISCAL IMPACT STATEMENT**

(REGULATIONS AND ORDERS)

STD. 399 (REV. 12/2008)

See SAM Section 6601 - 6616 for Instructions and Code Citations

DEPARTMENT NAME Education	CONTACT PERSON Linda Lewis	TELEPHONE NUMBER 319-0658
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Administration of Epilepsy Medication: Emergency Medical Assistance (version dated 6/29/12)		NOTICE FILE NUMBER Z

**ECONOMIC IMPACT STATEMENT**

**A. ESTIMATED PRIVATE SECTOR COST IMPACTS** (Include calculations and assumptions in the rulemaking record.)

1. Check the appropriate box(es) below to indicate whether this regulation:

- |   |  |
|---|--|
| <input type="checkbox"/> a. Impacts businesses and/or employees | <input type="checkbox"/> e. Imposes reporting requirements   |
| <input type="checkbox"/> b. Impacts small businesses            | <input type="checkbox"/> f. Imposes prescriptive instead of performance  |
| <input type="checkbox"/> c. Impacts jobs or occupations         | <input type="checkbox"/> g. Impacts individuals  |
| <input type="checkbox"/> d. Impacts California competitiveness  | <input checked="" type="checkbox"/> h. None of the above (Explain below. Complete the Fiscal Impact Statement as appropriate.) |

h. (cont.) The regulations would not impose any additional costs to the private sector.

(If any box in Items 1 a through g is checked, complete this Economic Impact Statement.)

2. Enter the total number of businesses impacted: \_\_\_\_\_ Describe the types of businesses (Include nonprofits.): \_\_\_\_\_

Enter the number or percentage of total businesses impacted that are small businesses: \_\_\_\_\_

3. Enter the number of businesses that will be created: \_\_\_\_\_ eliminated: \_\_\_\_\_

Explain: \_\_\_\_\_

4. Indicate the geographic extent of impacts: ☐ Statewide ☐ Local or regional (List areas.): \_\_\_\_\_

5. Enter the number of jobs created: \_\_\_\_\_ or eliminated: \_\_\_\_\_ Describe the types of jobs or occupations impacted: \_\_\_\_\_

6. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here?

☐ Yes ☐ No If yes, explain briefly: \_\_\_\_\_

**B. ESTIMATED COSTS** (Include calculations and assumptions in the rulemaking record.)

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ \_\_\_\_\_

a. Initial costs for a small business: \$ \_\_\_\_\_ Annual ongoing costs: \$ \_\_\_\_\_ Years: \_\_\_\_\_

b. Initial costs for a typical business: \$ \_\_\_\_\_ Annual ongoing costs: \$ \_\_\_\_\_ Years: \_\_\_\_\_

c. Initial costs for an individual: \$ \_\_\_\_\_ Annual ongoing costs: \$ \_\_\_\_\_ Years: \_\_\_\_\_

d. Describe other economic costs that may occur: \_\_\_\_\_

**ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)**

2. If multiple industries are impacted, enter the share of total costs for each industry: \_\_\_\_\_

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. (Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.): \$ \_\_\_\_\_

4. Will this regulation directly impact housing costs? ☐ Yes ☐ No If yes, enter the annual dollar cost per housing unit: \_\_\_\_\_ and the number of units: \_\_\_\_\_

5. Are there comparable Federal regulations? ☐ Yes ☐ No Explain the need for State regulation given the existence or absence of Federal regulations: \_\_\_\_\_

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ \_\_\_\_\_

**C. ESTIMATED BENEFITS** (Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)

1. Briefly summarize the benefits that may result from this regulation and who will benefit: \_\_\_\_\_

2. Are the benefits the result of: ☐ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority?

Explain: \_\_\_\_\_

3. What are the total statewide benefits from this regulation over its lifetime? \$ \_\_\_\_\_

**D. ALTERNATIVES TO THE REGULATION** (Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: \_\_\_\_\_

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation:	Benefit: \$ _____	Cost: \$ _____
Alternative 1:	Benefit: \$ _____	Cost: \$ _____
Alternative 2:	Benefit: \$ _____	Cost: \$ _____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: \_\_\_\_\_

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? ☐ Yes ☐ No

Explain: \_\_\_\_\_

**E. MAJOR REGULATIONS** (Include calculations and assumptions in the rulemaking record.) Cal/EPA boards, offices, and departments are subject to the following additional requirements per Health and Safety Code section 57005.

**ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)**

1. Will the estimated costs of this regulation to California business enterprises exceed \$10 million? ☐ Yes ☐ No (If No, skip the rest of this section.)

2. Briefly describe each equally as an effective alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: \_\_\_\_\_

Alternative 2: \_\_\_\_\_

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: \$ \_\_\_\_\_ Cost-effectiveness ratio: \$ \_\_\_\_\_

Alternative 1: \$ \_\_\_\_\_ Cost-effectiveness ratio: \$ \_\_\_\_\_

Alternative 2: \$ \_\_\_\_\_ Cost-effectiveness ratio: \$ \_\_\_\_\_

**FISCAL IMPACT STATEMENT**

A. FISCAL EFFECT ON LOCAL GOVERNMENT (Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

☐ 1. Additional expenditures of approximately \$ \_\_\_\_\_ in the current State Fiscal Year which are reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code. Funding for this reimbursement:

☐ a. is provided in \_\_\_\_\_, Budget Act of \_\_\_\_\_ or Chapter \_\_\_\_\_, Statutes of \_\_\_\_\_

☐ b. will be requested in the \_\_\_\_\_ (FISCAL YEAR) Governor's Budget for appropriation in Budget Act of \_\_\_\_\_

☐ 2. Additional expenditures of approximately \$ \_\_\_\_\_ in the current State Fiscal Year which are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation:

☐ a. implements the Federal mandate contained in \_\_\_\_\_

☐ b. implements the court mandate set forth by the \_\_\_\_\_  
court in the case of \_\_\_\_\_ vs. \_\_\_\_\_

☐ c. implements a mandate of the people of this State expressed in their approval of Proposition No. \_\_\_\_\_ at the \_\_\_\_\_  
election; (DATE)

☐ d. is issued only in response to a specific request from the \_\_\_\_\_  
\_\_\_\_\_, which is/are the only local entity(s) affected;

☐ e. will be fully financed from the \_\_\_\_\_ (FEES, REVENUE, ETC.) authorized by Section \_\_\_\_\_  
of the \_\_\_\_\_ Code;

☐ f. provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each such unit;

☐ g. creates, eliminates, or changes the penalty for a new crime or infraction contained in \_\_\_\_\_

☐ 3. Savings of approximately \$ \_\_\_\_\_ annually.

☐ 4. No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law regulations.

**ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)**

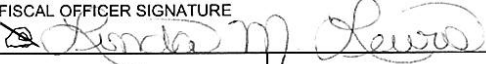
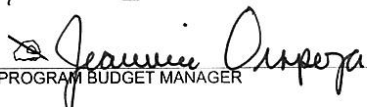

- ☐ 5. No fiscal impact exists because this regulation does not affect any local entity or program.
- ☒ 6. Other. The program is voluntary and would not result in state mandated costs. Any LEA or charter school that chose to implement the program would incur costs for training, record retention and possible increased costs related to additional liability coverage. **+**

**B. FISCAL EFFECT ON STATE GOVERNMENT** (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- ☐ 1. Additional expenditures of approximately \$ \_\_\_\_\_ in the current State Fiscal Year. It is anticipated that State agencies will:
- ☐ a. be able to absorb these additional costs within their existing budgets and resources.
- ☐ b. request an increase in the currently authorized budget level for the \_\_\_\_\_ fiscal year.
- ☐ 2. Savings of approximately \$ \_\_\_\_\_ in the current State Fiscal Year.
- ☐ 3. No fiscal impact exists because this regulation does not affect any State agency or program.
- ☒ 4. Other. Minimal costs, associated with the requirements of the statute, will be incurred to maintain a clearinghouse for best practices in training nonmedical personnel in administering emergency anti-seizure medication to pupils. **+**

**C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS** (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- ☐ 1. Additional expenditures of approximately \$ \_\_\_\_\_ in the current State Fiscal Year.
- ☐ 2. Savings of of approximately \$ \_\_\_\_\_ in the current State Fiscal Year.
- ☒ 3. No fiscal impact exists because this regulation does not affect any federally funded State agency or program.
- ☐ 4. Other.

FISCAL OFFICER SIGNATURE 		DATE July 10, 2012
AGENCY SECRETARY <sup>1</sup> APPROVAL/CONCURRENCE	 PROGRAM BUDGET MANAGER	DATE 7/16/12
DEPARTMENT OF FINANCE <sup>2</sup> APPROVAL/CONCURRENCE		

1. The signature attests that the agency has completed the STD.399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or department not under an Agency Secretary must have the form signed by the highest ranking official in the organization.
2. Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD.399.

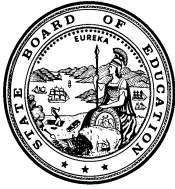




# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM 9**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### SUBJECT

Administration of Epilepsy Medication—Approve the Request for Readoption of the Emergency Regulations for Additions to the *California Code of Regulations*, Title 5, Sections 620–627.

- ☒ Action
- ☐ Information
- ☐ Public Hearing

#### SUMMARY OF THE ISSUE(S)

Senate Bill (SB) 161 was signed by the Governor on October 7, 2011. California *Education Code (EC)* Section 49414.7, implementing SB 161, went into effect on January 1, 2012. SB 161 authorizes a school district, county office of education, or charter school to participate in a program to provide nonmedical school employees with voluntary emergency medical training to provide, in the absence of a credentialed school nurse or other licensed nurse onsite at the school or charter school—and with a parent's written authorization—emergency medical assistance to pupils with epilepsy suffering from seizures, in accordance with guidelines developed by the California Department of Education (CDE) in consultation with the State Department of Public Health. The CDE was required to post these guidelines on its Web site by July 1, 2012. The SBE adopted emergency regulations to meet this requirement and the CDE posted the emergency regulations in a timely manner.

The readoption of these emergency regulations is being proposed because the current emergency regulations expire on September 25, 2012.

After the 15-day comment period ended on August 6, 2012, it was determined that no additional changes to the regulations were needed. Therefore, the CDE will be recommending the permanent regulations be adopted by the SBE in a separate agenda item.

However, to ensure that the permanent regulations, ultimately approved by the OAL, provide the necessary direction and clarification required, the extension of the existing emergency regulations is necessary for an additional 90-day period until permanent regulations can be finalized. This requested extension from the OAL and readoption by the SBE is necessary as a precautionary measure. The OAL will have 30 working days to review the permanent regulations; during that time the emergency regulations will remain in effect. The readoption is necessary to ensure that there is no period in between expiration of the emergency regulations and adoption of the permanent regulations during which there are no emergency regulations in effect. In the absence of

the readoption of these emergency regulations, the public safety and well-being of the students with epilepsy could be at risk.

## **RECOMMENDATION**

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The CDE recommends the State Board of Education (SBE) take the following actions:

- Approve the Readoption of Administration of Epilepsy Medication Emergency Regulations Memo;
- Approve the updated Finding of Emergency;
- Readopt the proposed Emergency Regulations; and
- Direct the CDE to submit the Readoption Package for the Emergency Regulations to the Office of Administrative Law (OAL) for approval.

## **BRIEF HISTORY OF KEY ISSUES**

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SB 161 went into effect on January 1, 2012. Volunteer nonmedical school employees must be trained in order to provide the emergency medical assistance described in this program. Any emergency medical assistance provided by trained volunteer nonmedical employees must be provided using the guidelines that were to be posted by July 1, 2012. Because the guidelines were to be rules of general application, it was necessary to adopt them as regulations. Given the fact that the SBE meets on a bimonthly basis, it would have been difficult, if not impossible, to promulgate regulations that would have satisfied the July 1, 2012 date through the rulemaking process. For these reasons, and because the program involves pupil health, there is a need for the readoption of these emergency regulations.

The emergency regulations expire on September 25, 2012. If the permanent regulations are approved by the SBE during this Board meeting, the CDE will submit the permanent rulemaking package to the OAL on/about September 18, 2012. The OAL has 30 working days to review this rulemaking package and the emergency regulations will remain in effect during the review period, which will end on/about October 30, 2012. At that time, the emergency regulations will expire. This readoption will ensure that there are regulations in effect until the permanent regulations can be finalized. Because the public safety and well-being of students with epilepsy would be at risk if the emergency regulations expired before permanent regulations could be adopted, it is necessary to extend the emergency regulations for 90 days.

## **SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

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At its March 7, 2012 meeting, the SBE approved a Finding of Emergency, Proposed Emergency Regulations *California Code of Regulations* Title 5 Sections 620–627, and directed the CDE to circulate the required notice of Proposed Emergency Action and submit the emergency regulations to the OAL for approval. The OAL approved Emergency Regulations effective March 26, 2012, and these emergency regulations are

set to expire on September 25, 2012. On March 7, 2012, the SBE commenced the permanent rulemaking package by approving the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the proposed regulations at its Board meeting and sent the regulations out for a 45-day comment period commencing March 23, 2012, and ending May 7, 2012. At the July 18, 2012 meeting, the SBE approved changes to those proposed regulations and directed that they be circulated for a 15-day public comment period, which ran from July 21, 2012, to August 6, 2012.

#### **FISCAL ANALYSIS (AS APPROPRIATE)**

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The attached Fiscal Impact Statement was also submitted with the March 2012 item.

#### **ATTACHMENT(S)**

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Attachment 1: Readoption of Administration of Epilepsy Medication Emergency Regulations Memo (4 pages)

Attachment 2: Updated Finding of Emergency (4 Pages)

Attachment 3: Emergency Regulations (7 Pages) Previously Approved by SBE and OAL in March 2012

Attachment 4: Notice of Proposed Emergency Action (1 page)

Attachment 5: Economic and Fiscal Impact Statement (STD. 399) (4 pages)

**California Department of Education**

# **M e m o r a n d u m**

**Date:** September TBD, 2012

**To:** George Shaw, Staff Counsel  
Office of Administrative Law  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814

**From:** Debra Thacker, Regulations Coordinator  
California Department of Education  
Legal Office (319-0642)

**Subject:** **Readoption of Administration of Epilepsy Medication Emergency Regulations—File #2012-0316-03E**

We respectfully request a readoption of File #2012-0316-03E for a period of 90 days. The current emergency regulations will expire on September 25, 2012.

## **NECESSITY FOR EXTENSION**

At its March 7, 2012, meeting, the State Board of Education (SBE) approved a Finding of Emergency, Proposed Emergency Regulations (*California Code of Regulations* Title 5 (5 CCR) sections 620–627), and directed the California Department of Education (CDE) to circulate the required notice of Proposed Emergency Action and submit the emergency regulations to the Office of Administrative Law (OAL) for approval. As discussed below, these regulations were necessary on an emergency basis to implement Senate Bill 161. The Legislature has determined that the health of students with epilepsy who suffer severe seizures at school is compromised without access to emergency medical assistance. SB 161 authorizes school districts, county offices of education, and charter schools, in the absence of a school nurse, to provide emergency medical assistance to such pupils through trained volunteer nonmedical school personnel. Any such emergency medical assistance must be provided in accordance with the guidelines encompassed in these regulations. Adopting these emergency regulations will allow school districts, county offices of education, and charter schools to provide emergency medical assistance, in the absence of a school nurse, to address this serious student health issue. The OAL approved Emergency Regulations effective March 26, 2012 and these emergency regulations are set to expire on September 25, 2012.

On March 7, 2012, the SBE commenced the permanent rulemaking package by approving the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and

the proposed regulations at its Board meeting and sent the regulations out for a 45-day comment period, commencing March 23, 2012, and ending May 7, 2012. At the July 18, 2012, meeting, the SBE approved changes to those proposed regulations and directed that they be circulated for a 15-day public comment period, which will run from July 21, 2012, to August 6, 2012.

After the 15-day comment period ended on August 6, 2012, it was determined that no additional changes need to be made to the regulations, which were adopted by the SBE at the September 2012 meeting. However, to ensure that the permanent regulations, ultimately approved by OAL, provide the necessary direction and clarification required, the extension of the existing emergency regulations is necessary for an additional 90-day period until permanent regulations can be finalized. In the absence of the readoption of these emergency regulations, the public safety and well-being of the students with epilepsy could be at risk.

### **SPECIFIC FACTS DEMONSTRATING THE EXISTENCE OF AN EMERGENCY AND THE NEED FOR IMMEDIATE ACTION**

More than 90,000 children in California have epilepsy, a common symptom of which is seizures. Many seizure patients, despite maintenance medication, experience breakthrough seizures. Up to 35 percent of patients on anti-seizure medications may not be adequately controlled. Between 50,000 and 200,000 generalized convulsive status epileptic seizures occur every year in the United States, with an overall mortality rate of 20 percent. Status seizures lasting more than one hour have a mortality rate of 32 percent, compared with 2.7 percent for seizures of shorter duration.

California's nurse-to-student ratio is approximately 1:2,200. According to the California Basic Educational Data System, about one-half of school districts do not have a school nurse.

The Legislature has determined that the health of students with epilepsy who suffer severe seizures at school is compromised without access to emergency medical assistance. SB 161 authorizes school districts, county offices of education, and charter schools, in the absence of a school nurse, to provide emergency medical assistance to such pupils through trained volunteer nonmedical school personnel. Any such emergency medical assistance must be provided in accordance with the guidelines encompassed in these regulations. Adopting these emergency regulations will allow school districts, county offices of education, and charter schools to provide emergency medical assistance, in the absence of a school nurse, to address this serious student health issue.

The emergency regulations clarify important points for persons affected by the statute, and in particular, students with epilepsy.

## **ADDITIONAL SPECIFIC FACTS ARISING SINCE THE INITIAL ADOPTION OF THE EMERGENCY REGULATIONS DEMONSTRATING THE NEED FOR READOPTION OF THE EMERGENCY REGULATIONS**

After the 15-day comment period ended on August 6, 2012, it was determined that no additional changes to the regulations were needed. However, to ensure that the permanent regulations, ultimately approved by the OAL, provide the necessary direction and clarification required, the extension of the existing emergency regulations is necessary for an additional 90-day period until permanent regulations can be finalized. This requested extension from the OAL and readoption by the SBE is necessary as a precautionary measure. The OAL will have 30 working days to review the permanent regulations; during that time the emergency regulations will remain in effect. The readoption is necessary to ensure that there is no period in between expiration of the emergency regulations and adoption of the permanent regulations during which there are no emergency regulations in effect. In the absence of the readoption of these emergency regulations, the public safety and well-being of the students with epilepsy could be at risk.

## **INCORPORATION BY REFERENCE**

We are hereby incorporating by reference the following documents that were previously submitted with File #2012-0316-03E:

- Std. 400 and Emergency Regulations (original + 6)
- Finding of Emergency
- Notice of Proposed Emergency Action dated August 26, 2010
- Std. 399 – Economic and Fiscal Impact Statement
- CD of the March 7, 2012, SBE meeting approving the Emergency Regulations
- Delegation Order for Amy Holloway
- Delegation of Authority for Fiscal Impact Statements—Jeanine Oropeza

## **STATEMENT OF COMPLIANCE WITH TITLE 1 CCR SECTION 50(a)(5)(A)**

Pursuant to Government Code section 11346.1(a)(2), on September TBD, 2012, the SBE provided notice of the emergency rulemaking action in the above-entitled matter by sending an e-mail notice of the rulemaking action to all interested parties on the SBE's interested parties list and by attaching a copy of the following Administration of Epilepsy Medication emergency rulemaking documents with the notice:

- Notice of Proposed Emergency Action
- Text of Proposed Emergency Regulations (5 CCR sections 620–627)
- Finding of Emergency

**CD OF SBE MEETING APPROVING READOPTION OF EMERGENCY  
REGULATIONS ON SEPTEMBER TBD, 2012.**

We will deliver a CD to you on September TBD, 2012, wherein the SBE is approving the Readoption of the Proposed Emergency Regulations. In order for the CD to be delivered to OAL by close of business today would require our Technology Services Division to stop the Internal Web Stream to get the video file off the computer and onto a CD.

If you have any questions, please do not hesitate to contact me or Cyndi Olsen at 319-0584.



## **FINDING OF EMERGENCY**

### **Administration of Epilepsy Medication: Emergency Medical Assistance**

The State Board of Education (SBE) finds that an emergency exists and that the emergency regulations adopted are necessary to avoid serious harm to the public peace, health, safety, or general welfare, especially for pupils attending public schools.

#### **NECESSITY FOR EXTENSION**

After the 15-day comment period ended on August 6, 2012, it has been determined that no additional changes needed to be made to the regulations, which were adopted by the SBE at the September 2012 meeting. However, to ensure that the permanent regulations, ultimately approved by the OAL, provide the necessary direction and clarification required, the extension of the existing emergency regulations is necessary for an additional 90-day period until permanent regulations can be finalized. This requested extension from the OAL and readoption by the SBE is necessary as a precautionary measure. The OAL will have 30 working days to review the permanent regulations; during that time the emergency regulations will remain in effect. The readoption is necessary to ensure that there is no period in between expiration of the emergency regulations and adoption of the permanent regulations during which there are no emergency regulations in effect. In the absence of the readoption of these emergency regulations, the public safety and well-being of the students with epilepsy could be at risk.

#### **SPECIFIC FACTS DEMONSTRATING THE EXISTENCE OF AN EMERGENCY AND THE NEED FOR IMMEDIATE ACTION**

More than 90,000 children in California have epilepsy, a common symptom of which is seizures. Many seizure patients, despite maintenance medication, experience breakthrough seizures. Up to 35 percent of patients on anti-seizure medications may not be adequately controlled. Between 50,000 and 200,000 generalized convulsive status epileptic seizures occur every year in the United States, with an overall mortality rate of 20 percent. Status seizures lasting more than one hour have a mortality rate of 32 percent, compared with 2.7 percent for seizures of shorter duration.

California's nurse-to-student ratio is approximately 1:2,200. According to the California Basic Educational Data System, about one-half of school districts do not have a school nurse.

The Legislature has determined that the health of students with epilepsy who suffer severe seizures at school is compromised without access to emergency medical assistance. SB 161 authorizes school districts, county offices of education, and charter schools, in the absence of a school nurse, to provide emergency medical assistance to such pupils through trained volunteer nonmedical school personnel. Any such

emergency medical assistance must be provided in accordance with the guidelines encompassed in these regulations. Adopting these emergency regulations will allow school districts, county offices of education, and charter schools to provide emergency medical assistance, in the absence of a school nurse, to address this serious student health issue.

## **FACTS EXPLAINING THE FAILURE TO ADDRESS THE SITUATION THROUGH NONEMERGENCY REGULATIONS**

SB 161 was signed by the Governor on October 7, 2011 (Statutes of 2011, Chapter 560), became effective on January 1, 2012, and requires that guidelines on training and supervision of volunteer nonmedical personnel be posted by July 1, 2012. The CDE has been fulfilling its obligation under SB 161 to consult with the Department of Public Health (DPH) in the development of the guidelines, and has also sought the input of other interested organizations. Given that the SBE meets on a bimonthly basis, and is a public body that meets pursuant to the requirements of Bagley-Keene, it would be difficult, if not impossible, to promulgate regulations that would satisfy the July 1, 2012, date through the normal rulemaking process.

Following the signing of the bill on October 7, 2011, the dates of the next regularly scheduled SBE meetings were November 9–10, 2011, January 11–12, 2012, and March 7–8, 2012. The SBE's policies and procedures require that items for Board meetings be presented two months in advance. Thus, by the time the bill was signed, the deadline for submitting items for the November 2011 meeting had passed and there was only approximately one month remaining before the deadline for submitting items for the January 2012 meeting. Given that the California Department of Education (CDE) was required to consult with DPH, and also sought the input of other interested organizations, in developing the regulations, it was not practical to submit regulations in time for the January 2012 meeting. Accordingly, given the July 1, 2012, deadline, emergency regulations were prepared and submitted for the March 2012 meeting.

## **REASON FOR DUPLICATION**

Government Code section 11349 prohibits unnecessary duplication of state or federal statutes in regulation. In this case, duplication of certain state and federal statutes is necessary in the proposed emergency regulations in order to provide clarity to the reader and allow him or her to find all applicable references in one place [1 CCR § 12(b)(1)]. Because the regulations address training and supervision, it is necessary to duplicate portions of the statute relating to training and supervision in order to give proper context to the regulations.

## **AUTHORITY AND REFERENCE**

Authority: Sections 33031 and 49414.7, Education Code. Reference: Section 49414.7, Education Code.

## **INFORMATIVE DIGEST**

This emergency regulations package will implement the provisions of California Education Code section 49414.7, which became effective January 1, 2012. The Legislature passed Senate Bill 161 and it was signed by the Governor on October 7, 2011 (Statutes of 2011, Chapter 560). SB 161 authorizes a school district, county office of education, or charter school to participate in a program to provide nonmedical school employees with voluntary emergency medical training to provide, in the absence of a credentialed school nurse or other licensed nurse onsite at the school or charter school—and with a parent's written authorization—emergency medical assistance to pupils with epilepsy suffering from seizures, in accordance with guidelines to be developed by the CDE in consultation with the DPH. The CDE is required to post these guidelines on its Web site by July 1, 2012. These emergency regulations are being proposed because SB 161 states that the training must be "consistent" with the guidelines and that a nonmedical school employee who has completed the voluntary training and provides assistance "shall" provide assistance "using the guidelines." Because the guidelines are to be rules of general application that implement SB 161, it is necessary to adopt them as regulations.

The Legislature emphasized pupil safety concerns in passing SB 161, finding that "the safety and welfare of a pupil with epilepsy is compromised without immediate access to an emergency anti-seizure medication" and that "in the absence of a credentialed school nurse or other licensed nurse onsite at the school, it is in the best interest of the health and safety of children to allow trained school employees to administer an emergency anti-seizure medication to pupils in public schools."

The Legislature relied on the American Academy of Pediatrics and the Epilepsy Foundation of America, both of which support training of school employees to administer an emergency anti-seizure medication and believe that an emergency anti-seizure medication may be safely and effectively administered by trained school employees.

Diastat is a trademark administration system of diazepam (valium) and is currently the only FDA-approved, at-home medication for the treatment of acute repetitive seizures, or "cluster" seizures. Diastat, a rectally-administered gel, was specifically developed to be administered by people without medical training and is considered the fastest, safest, and most effective way to treat epileptic seizures.

## **TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDIES, REPORTS, OR DOCUMENTS**

The SBE did not consider any technical, theoretical, empirical study, reports, or other documents in the drafting these regulations.

## **MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

The proposed regulations do not impose a mandate on school districts, county offices of education, or charter schools because participation is voluntary.

## **COST ESTIMATE**

The SBE has assessed the potential for significant adverse economic impact that might result from the proposed emergency regulatory action and it has been determined that:

- There will be no costs or savings to the state.
- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs or savings on local agencies or school districts.
- There will be no costs or savings in federal funding to the state.

8-27-12 [California Department of Education]

- The State Board of Education has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined; text proposed to be deleted is displayed in ~~strikeout~~.

## **Title 5. EDUCATION**

### **Division 1. California Department of Education**

#### **Chapter 2. Pupils**

#### **Subchapter 3. Health and Safety of Pupils**

#### **Article 4.5. Administration of Emergency Anti-seizure Medication by Trained Volunteer Nonmedical School Personnel**

##### **§ 620. Application.**

This Article includes guidelines for training and supervision of volunteer nonmedical employees of those school districts, county offices of education and charter schools that elect to participate in a program of providing, in the absence of a credentialed school nurse or other licensed nurse, emergency medical assistance to pupils with epilepsy suffering from seizures, including administration of emergency antiseizure medication during the regular school day.

NOTE: Authority cited: Sections 33031 and 49414.7, Education Code. Reference: Section 49414.7, Education Code.

##### **§ 621. Definitions.**

As used in this Article, the following definitions apply:

(a) An “emergency anti-seizure medication” means diazepam rectal gel and emergency medications approved by the federal Food and Drug Administration (FDA), prescribed for patients with epilepsy for the management of seizures by persons without the credentials listed in section 622 below.

(b) “Emergency medical assistance” means the administration of an emergency anti-seizure medication to a pupil suffering from an epileptic seizure.

1 (c) "Nonmedical school personnel" or "nonmedical school employees" means  
2 employees of a school district, county office of education or charter school who do not  
3 possess the licenses listed in section 622 below.

4 (d) "Regular school day" may include not only the time the pupil receives instruction,  
5 but also the time during which the pupil otherwise participates in activities under the  
6 auspices of the local educational agency, such as field trips, extracurricular and  
7 cocurricular activities, before- or after-school programs, and camps or other activities  
8 that typically involve at least one overnight stay away from home.

9 (e) "Supervision" means review, observation, and/or instruction of a designated  
10 nonmedical school employee's performance, but does not necessarily require the  
11 immediate presence of the supervisor at all times.

12 NOTE: Authority cited: Sections 33031 and 49414.7, Education Code. Reference:  
13 Section 49414.7, Education Code

14  
15 **§ 622. Individuals Authorized to Train and Supervise Volunteer Nonmedical**  
16 **School Personnel To Administer Emergency Medical Assistance to Pupils With**  
17 **Epilepsy Suffering From Seizures.**

18 One or more of the following licensed health care professionals shall provide the  
19 training and supervision:

- 20 (a) A physician and surgeon;  
21 (b) A physician assistant;  
22 (c) A credentialed school nurse;  
23 (d) A registered nurse; or  
24 (e) A certificated public health nurse.

25 NOTE: Authority cited: Sections 33031 and 49414.7, Education Code. Reference:  
26 Section 49414.7, Education Code.

27  
28 **§ 623. Training Content.**

29 The training provided by a licensed health care professional shall include, but not be  
30 limited to, all of the following:

1 (a) Recognition and treatment of different types of seizures;

2 (b) Administration of an emergency anti-seizure medication;

3 (c) Basic emergency follow-up procedures, including, but not limited to, a  
4 requirement for the school or charter school administrator or, if the administrator is not  
5 available, another school staff member to call the emergency 911 telephone number  
6 and to contact the pupil's parent or guardian. The requirement for the school or charter  
7 school administrator or other school staff member to call the emergency 911 telephone  
8 number shall not require a pupil to be transported to an emergency room;

9 (d) Techniques and procedures to ensure pupil privacy;

10 (e) Record-keeping and record retention, including documenting,  
11 for each actual administration of an emergency anti-seizure medication, the pupil's  
12 name, the name of the medication administered, the dose given, the date and time of  
13 administration, the length of the seizure, and observation and action taken after the  
14 seizure;

15 (f) Informing the volunteer that:

16 (1) his or her agreement to administer an emergency anti-seizure medication is  
17 voluntary;

18 (2) he or she must complete the required training;

19 (3) he or she will not administer an emergency anti-seizure medication until he or  
20 she has completed the required training and documentation of completion is recorded in  
21 his or her personnel file;

22 (4) he or she may rescind his or her offer to administer an emergency anti-seizure  
23 medication up to three days after completion of the training;

24 (5) after three days after completion of the training, he or she may rescind his or her  
25 offer to administer an emergency anti-seizure medication with a two-week notice, or  
26 until a new individual health plan or Section 504 plan has been developed for an  
27 affected pupil, whichever is less;

28 (6) he or she will be provided defense and indemnification by the school district,  
29 county office of education, or charter school for any and all civil liability, in accordance

1 with, but not limited to, that provided in Division 3.6 (commencing with section 810) of  
2 Title 1 of the Government Code;

3 (7) he or she will be compensated in accordance with his or her pay scale pursuant  
4 to Education Code section 45128, when the administration of an emergency anti-  
5 seizure medication and subsequent monitoring of a pupil requires a volunteer to work  
6 beyond his or her normally scheduled hours;

7 (8) if he or she has not administered an emergency anti-seizure medication within  
8 the past two years and if there is a pupil enrolled in the school who may need the  
9 administration of an emergency anti-seizure medication, the volunteer must be re-  
10 trained in order to retain the ability to administer an emergency anti-seizure medication;  
11 and

12 (9) he or she must report every administration of anti-seizure medication to the  
13 school or charter school administrator.

14 NOTE: Authority cited: Sections 33031 and 49414.7, Education Code. Reference:  
15 Section 49414.7, Education Code.

16  
17 **§ 624. Training Requirements.**

18 The training by a licensed health care professional must be provided in accordance  
19 with:

20 (a) The emergency anti-seizure medication manufacturer's instructions,

21 (b) The pupil's health care provider's instructions; and

22 (c) Guidelines established within this Article.

23 NOTE: Authority cited: Sections 33031 and 49414.7, Education Code. Reference:  
24 Section 49414.7, Education Code.

25  
26 **§ 625. Training Timing.**

27 Volunteer nonmedical school personnel who have not administered an emergency  
28 anti-seizure medication within the past two years shall be re-trained if there is a pupil  
29 enrolled in the school who may need the administration of an emergency anti-seizure  
30 medication.



1 NOTE: Authority cited: Sections 33031 and 49414.7, Education Code. Reference:  
2 Section 49414.7, Education Code.  
3

4 **§ 626. When Emergency Medical Assistance By Trained Volunteer Nonmedical**  
5 **School Personnel Should Be Provided.**

6 (a) If a school district, county office of education, or charter school elects to  
7 participate in the program described in this Article, emergency medical assistance shall  
8 be provided by a volunteer nonmedical school employee when:

9 (1) A pupil with epilepsy has been prescribed an emergency anti-seizure medication  
10 by his or her health care provider;

11 (2) The parent or guardian of the pupil with epilepsy has requested that one or more  
12 volunteer nonmedical school employees be trained in the event a nurse is not available;  
13 and

14 (3) The school has on file a written statement from the pupil's authorized health care  
15 provider, provided by the parent, that shall include, but not be limited to, all of the  
16 following:

17 (A) The pupil's name;

18 (B) The name and purpose of the prescribed emergency anti-seizure medication  
19 approved by the federal Food and Drug Administration (FDA) for administration by non-  
20 licensed personnel;

21 (C) The prescribed dosage;

22 (D) Detailed seizure symptoms, including frequency, type, or length of seizures that  
23 identify when the administration of an emergency anti-seizure medication becomes  
24 necessary;

25 (E) The method of administration;

26 (F) The frequency with which the medication may be administered;

27 (G) The circumstances under which the medication may be administered;

28 (H) Any potential adverse responses by the pupil and recommended mitigation  
29 actions, including when to call emergency services;

1 (I) A protocol for observing the pupil after a seizure, including, but not limited to,  
2 whether the pupil should rest in the school office, whether the pupil may return to class,  
3 and the length of time the pupil should be under direct observation; and

4 (J) A statement that following a seizure, the pupil's parent/guardian and the school  
5 nurse, if a credentialed nurse is assigned to the school district, county office of  
6 education, or charter school, shall be contacted by the school or charter school  
7 administrator or, if the administrator is not available, by another school staff member to  
8 continue the observation plan as established in section 626(a)(3)(I).

9 (4) The parent has provided all materials necessary to administer an emergency  
10 anti-seizure medication;

11 (5) The volunteer nonmedical school employee has completed training in the  
12 administration of an emergency anti-seizure medication approved by the FDA for  
13 administration by non-licensed personnel;

14 (6) The pupil is suffering from an epileptic seizure; and

15 (7) A credentialed school nurse or licensed vocational nurse is not available.

16 NOTE: Authority cited: Sections 33031 and 49414.7, Education Code. Reference:  
17 Section 49414.7, Education Code.  
18

19 **§ 627. Supervision of Trained Volunteer Nonmedical School Personnel in**  
20 **Administration of Emergency Medical Assistance, Including the Administration of**  
21 **Emergency Anti-seizure Medication, to Pupils with Epilepsy Suffering from**  
22 **Seizures.**

23 (a) If a school district, county office of education, or charter school elects to  
24 participate in the program described in this Article, the licensed health care professional  
25 supervising a volunteer nonmedical school employee shall ensure all of the following:

26 (1) The volunteer nonmedical school employee has completed the required training;

27 (2) The volunteer nonmedical school employee does not administer an emergency  
28 anti-seizure medication until he or she has completed the required training and  
29 documentation of completion is recorded in his or her personnel file;

1     (3) Volunteer nonmedical school employees have ready access to records including  
2     identification of eligible pupils, written authorization from the parent, the pupil's health  
3     care provider's written instructions, and parent notification to the school that the pupil  
4     has been administered an emergency anti-seizure medication within the past four hours  
5     on a regular school day;

6     (4) Volunteer nonmedical school employees report every administration of  
7     emergency anti-seizure medication to the school or charter school administrator; and

8     (5) Volunteer nonmedical school employees document and retain records relating to  
9     the actual administration of emergency anti-seizure medication, including the pupil's  
10    name, the name of the medication administered, the dose given, the date and time of  
11    administration, the length of the seizure, and observation and action taken after the  
12    seizure.

13    NOTE: Authority cited: Sections 33031 and 49414.7, Education Code. Reference:  
14    Section 49414.7, Education Code.

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29    3-22-12 [California Department of Education]  
30



**CALIFORNIA DEPARTMENT OF EDUCATION**  
**TOM TORLAKSON**, State Superintendent of Public Instruction  
916-319-0800

1430 N Street Sacramento, CA 95814-5901



**CALIFORNIA STATE BOARD OF EDUCATION**  
**MICHAEL W. KIRST**, President  
916-319-0827

\_\_\_\_\_, 2012

### **NOTICE OF PROPOSED EMERGENCY ACTION**

Administration of Epilepsy Medication: Emergency Medical Assistance

Pursuant to the requirements of Government Code section 11346.4(a)(1), the State Board of Education (SBE) is providing notice of proposed emergency action with regards to the above-entitled emergency regulation.

### **SUBMISSION OF COMMENTS**

Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a Notice of the Proposed Emergency Action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the OAL, the OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed emergency regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OAL within five days after the SBE submits the emergency regulations to the OAL for review.

Please reference submitted comments as regarding "Administration of Epilepsy Medication" addressed to:

Reference Attorney

Mailing Address: Office of Administrative Law  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814

E-mail Address: [staff@oal.ca.gov](mailto:staff@oal.ca.gov)  
Fax No.: 916-323-6826

For the status of the SBE submittal to the OAL for review, and the end of the five-day written submittal period, please consult the Web site of the OAL at [www.oal.ca.gov](http://www.oal.ca.gov) under the heading "Emergency Regulations."

## Embedded Secure Document

The file is a secure document that has been embedded in this document. Double click the pushpin to view.



## AAV of SBE Item 9 Attachment 5

Accessible Alternative Version (AAV) of Item 9 Attachment 5 from the September 13, 2012 State Board of Education (SBE) meeting.

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This page is the Accessible Alternative Version (AAV) of Item 9 Attachment 5 from the [State Board of Education \(SBE\) Meeting Agenda, September 13, 2012](#). The scanned [Item 9 Attachment 5](#) (PDF) version is considered to be the official version of the document.

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## Economic and Fiscal Impact Statement

(REGULATIONS AND ORDERS). *User entries from the STD. 399 (REV. 12/2008) Form.*

**Department Name:** Education

**Contact Person:** Linda Lewis

**Telephone Number:** 916-319-0658

**Descriptive Title From Notice Register Or From 400:** Administration of Epilepsy Medication: Emergency Medical Assistance (version dated February 10, 2012)

**Notice File Number:** Z

## Economic Impact Statement

**Section A.** ESTIMATED PRIVATE SECTOR COST IMPACTS (Include calculations and assumptions in the rulemaking record.)

**Section A.1.** Check the appropriate box(es) below to indicate whether this regulation:

- Selected option is H: None of the above (Explain below. Complete the Fiscal Impact Statement as appropriate)

## Fiscal Impact Statement

**Section A.** FISCAL EFFECT ON LOCAL GOVERNMENT (Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- Selected option is 6: Other. The program is voluntary and would not result in state mandated costs.

**Section B.** FISCAL EFFECT ON STATE GOVERNMENT (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- Selected option is 4: Other. Minimal costs will be incurred associated maintaining a clearinghouse for best practices in training nonmedical personnel in administering emergency anti-seizure medication to pupils.

**Section C.** FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- Selected option is 3: No fiscal impact exists because this regulation does not affect any federally funded State

agency or program.

Fiscal Officer Signature by Linda Lewis dated February 13, 2012

Agency Secretary Approval / Concurrence Signature by Jeannie Oropeza dated February 15, 2012

Department of Finance Approval / Concurrence Signature: No signature.

Questions: State Board of Education | 916-319-0827

Last Reviewed: Friday, August 31, 2012

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California Department of Education  
[Mobile site](#) | [Full site](#)

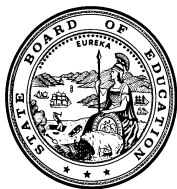


# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM 10 REVISED**





## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

<b>SUBJECT</b> <b>Revised September 5, 2012</b>	<input checked="" type="checkbox"/> Action
Public Charter Schools Grant Program: Revision of the Public Charter Schools Grant Program Request for Applications.	<input checked="" type="checkbox"/> Information
	<input type="checkbox"/> Public Hearing

#### **SUMMARY OF THE ISSUE(S)**

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On August 18, 2010, the California Department of Education (CDE) was awarded approximately \$290 million to administer the federal Charter Schools Program (CSP) for a total award period of five years for the 2010–15 grant cycle. California's sub-grant program, the Public Charter Schools Grant Program (PCSGP), is administered by the CDE on behalf of the State Board of Education (SBE). The CDE distributes PCSGP funds to charter developers through an annual Request for Applications (RFA) process. The SBE has approved the RFA for this grant cycle, the intent of which has been approved by the United States Department of Education (ED). The CDE is proposing revisions to the current RFA that will provide clarification to eligible charter schools on the application requirements and scoring criteria and increase the approval success rate of submitted applications. A summary of the proposed changes is provided as Attachment 1 and a complete draft of the 2012–13 RFA is provided as Attachment 2. This item presents an update on the revisions to the RFA for the 2012–13 fiscal year.

The CDE anticipates that \$68.6 million of federal funds will be available for the 2012–13 grant process.

#### **RECOMMENDATION**

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The CDE recommends that the SBE approve the revisions to the 2012–13 PCSGP RFA and direct the CDE, in consultation with the executive director of the SBE and/or the SBE liaisons, to perform all necessary actions required to finalize the RFA.

#### **BRIEF HISTORY OF KEY ISSUES**

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##### **PCSGP RFA**

The goal of the PCSGP is to increase student achievement that leads to closing the achievement gaps through high-quality charter schools. To meet this goal, the objectives of the 2010–15 PCSGP are: (1) increase the number of high-quality charter schools in California; (2) strengthen charter school sustainability through capacity

building; (3) improve academic achievement of charter school students; and (4) disseminate best practices from high-quality charter schools.

The PCSGP is designed to increase financial support for the startup and expansion of charter schools, build a better national understanding of the public charter school model, and increase the number of high-quality public charter schools across the nation.

The CDE makes funding available annually as subgrants on a competitive basis to developers of charter schools. PCSGP funds are intended to incentivize developers to open high-quality charter schools in the attendance areas of the state's persistently lowest-performing schools, thereby offering choice and options to parents and students for a higher quality education to help California close achievement gaps. The PCSGP could potentially award over one hundred sub-grants to new charter schools in 2012–13 to assist with the costs of planning, opening, and operating high-quality charter schools in the state. Grant awards range from \$250,000 up to \$575,000 for a grant project period of up to 36 months.

During the 2010–11 fiscal year, the CDE received \$40.399 million for sub grant awards and provided PCSGP funds to 117 schools that were originally approved for grants during the 2007–10 grant period and to 30 new applicants. For the 2011–12 fiscal year, the CDE received \$46.952 million for sub grant awards and provided PCSGP funds to 30 of the 117 schools that were originally approved for grants during the 2007–10 grant period and to 61 new applicants (Table 1).

**Table 1. Public Charter Schools Grant Program Grant Award  
Notifications and Grants Awarded  
(Dollar Amounts Rounded in Millions)**

	<b>2010–11</b>	<b>2011–12</b>
Grant award amount received	\$40.399	\$46.952
Grants awarded, continuing schools	117	56
Grants awarded, new schools	30	61

The CDE is revising the RFA for the 2012–13 fiscal year for the purposes of clarifying grant scoring criteria and the application process, with the goal of ensuring increased and successful applications for funding. The estimated release of the RFA is scheduled for September 14, 2012.

### **CSP Evaluation Contract**

The Request for Proposals (RFP) for the Evaluation of California's PCSGP (PCSGP Evaluation) was approved by the SBE in 2011. However, there was a delay in finalizing the evaluation contract due to technical amendments required to complete the contract process and discussion with ED to extend the timeline so that the evaluation could incorporate data for charter schools that received PCSGP funding in the final year of the grant cycle. The CDE is working with ED staff to determine whether the PCSGP evaluation study will be for a two or three-year period and whether an extension will be incorporated into the contract.

## **SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

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At its July 2010 meeting, the SBE approved the 2010–15 PCSGP RFA and directed the CDE, in consultation with the executive director of the SBE and/or the SBE liaisons, to perform all necessary actions required, which would include making technical amendments to both the State Educational Agency (SEA) application and RFA, if necessary, and to finalize the RFA and the SEA application. The RFA was released to charter developers and charter schools in November 2010. Additional technical amendments were made to the RFA which was released in July 2011.

At its July 2011 meeting, the SBE approved the evaluation RFP and directed the CDE, in consultation with the executive director of the SBE and/or the SBE liaisons, to perform all actions required to finalize and post the RFP.

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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Approval of the 2012–13 RFA will allow CDE to continue the process of awarding \$265 million in PCSGP funds to charter developers over the remaining three years of the grant. Approximately \$14 million in administrative funds are available to the state for administering the PCSGP.

## **ATTACHMENT(S)**

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- |               |   |
|---------------|---|
| Attachment 1: | Summary of Revisions to 2012–13 Public Charter Schools Grant Program Request for Applications (2 Pages) |
| Attachment 2: | Draft 2012–13 Public Charter Schools Grant Program Request for Applications (75 Pages)                  |

## Summary of Revisions to 2012–13 Public Charter Schools Grant Program Request for Applications

This document outlines the significant changes and enhancements to the 2012–13 fiscal year Public Charter Schools Grant Program (PCSGP) request for application (RFA).

#	RFA Section	New RFA Page	Comment
1	Application Timeline	4	Changed to a table format. Changed the application period from multiple years to a single year to support changes, as necessary.
2	Eligibility	5	Provided clarification to the autonomy and public random drawing (PRD) sections. Added allowing submitted charter petitions that have yet to be approved – the charter must be approved before approved for funding
3	Length of Grant Award and Maximum Funding	8	Reduced the two-year funding level, base award amounts. Removed non-classroom based applicants from two-year and three-year higher grant award eligibility.
4	Program Accountability and Monitoring	10	Streamlined information to provide concise critical information.
5	Payments	15	Added a payments section to clarify applicant payment expectations.
6	Application Requirements (general)	16	Moved the application from an online submission to a paper based process. Re-structured and re-worded the requirements to align with the revised application. Reduced the application to a prompt-based summary narrative format. The application consists of a form for each section.
7	Charter School Work Plan/Activities	20	Restructured the work plan. Changed the work plan to a prompt-based summary narrative requirement to ease reporting and review/monitoring.
8	Budget Summary and Narrative	20	Restructured the budget. Changed the budget to a table-based summary narrative requirement to ease reporting and review/monitoring.
9	Application review and Sub-grant Award Process	21	Clarified the processes for initial completeness and PRD/Autonomy screening, notification of necessary changes to continue processing, and peer review.
10	Scoring Criteria	22	Clarified scoring. Changed to allow scores of “2” to be approved.
11	Submission of Applications	23	Changed from an electronic online submission to the standard RFA submission process – paper copies and an electronic copy submitted to the CDE.

#	RFA Section	New RFA Page	Comment
12	PCSGP Application Checklist	25	Added a checklist to assist applicants provide a complete submission.
13	PCSGP Form 1 – Application Cover Sheet	26	Changed from an online submission to a paper-based submission.
14	PCSGP Forms 2 and 3 – Narrative Response	28-29	Changed from an online submission to a paper-based submission. Applicants are provided prompts and required to submit narrative responses. Narrative responses are now separate from budget items, but remain aligned.
15	PCSGP Forms 5 and 6 – Budget Instructions	31-32	Changed from an online submission to a paper-based submission. Applicants are provided table-based prompts and required to submit narrative responses. The structure reduces the amount of work for applicants, reviewers, and monitors.
16	PCSGP Form 7 – Charter School Work Plan/Activities	33	Changed from an online submission to a paper-based submission. Changed to a summary narrative format to reduce the amount of work for applicants, reviewers, and monitors.
17	PCSGP Form 9 – General Assurances and Certifications	37	Changed requiring sub-grantees to print and maintain local copies for monitoring purposes.
18	PCSGP Form 10 – Specific Assurances	38	As a condition of this grant, added assurances 8-20 to set grantee expectations to maintain specific required information, participate in state testing required by law, cooperate with monitoring and audit activities, adhere to NCLB “highly-qualified teacher” standards for core academics, and report minimum enrollment numbers by specific benchmarks.
19	Appendix A: PCSGP Rubric	41	Changed to allow scores of “2” to be approved. Provided greater transparency in rubric expectations for scores 1 through 4. Added not-scored, adequate/inadequate criteria to the narrative responses for where the school is located and the work plan.
20	Appendix B: Definitions of PCSGP Terms	52	Modified select term definitions, and added new definitions not previously defined in the RFA.
21	Appendix G: PCSGP Resources	74	Added a reference section to provide applicants with helpful internet links to supporting related documentation.

## **California Department of Education**

### **Request for Applications Public Charter Schools Grant Program 2012–13**

#### **Planning and Implementation Grants**



Public Charter Schools Grant Program  
Charter Schools Division  
California Department of Education  
1430 N Street, Suite 5401  
Sacramento, CA 95814-5901  
E-mail: [charters@cde.ca.gov](mailto:charters@cde.ca.gov)  
Phone: 916-322-6029

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## Timeline

A number of important dates are identified below to apply for 2012–13 Public Charter Schools Grant Program (PCSGP) funds. PCSGP grant effective dates are from August 1, 2012 through September 30, 2013.

<b>Important Events</b>	<b>Dates</b>
Post draft RFA on the California Department of Education (CDE) Web site	<b>September 7, 2012</b>
Present RFA at the SBE meeting for approval	<b>September 13, 2012</b>
Post Final RFA to CDE Web site	<b>September 14, 2012</b> (pending SBE approval)
Provide Technical Assistance Webinar (PCSGP staff)	<b>September 19, 2012</b>
PCSGP application due date	<b>October 12, 2012</b>
Conduct peer review to evaluate and score applications	<b>November 14–16, 2012</b>
Notify awardees of their approval and post results to the CDE Web site (PCSGP staff)	<b>November 26, 2012</b>
Issue Grant Award Notification (GAN) to grantees. Grantees must sign and return the GAN (approximately 1-2 weeks)	<b>December 10, 2012</b> (tentative)
Schedule first payments (PCSGP staff)	Approximately 3-6 weeks upon CDE receipt of signed GANs

## General Information

### A. Introduction

The Federal Public Charter Schools Grant Program is a sub-grant program funded by the Charter Schools Program (CSP), authorized by 20 U.S. Code sections 7221–7221j, and administered by the U.S. Department of Education (ED). The Public Charter Schools Grant Program (PCSGP) is a discretionary grant program. California was awarded approximately \$300 million in grant funds for 2010–2015. States that are awarded these federal funds distribute them in sub-grants to charter school developers to assist in the development and initial operations of newly established or conversion charter schools to develop high quality and high performing charter schools.

Hereafter, the term California Department of Education (CDE) refers to the CDE operating under the policy direction of the State Board of Education (SBE). The CDE will award PCSGP Planning and Implementation (P/I) grants each year through fiscal year (FY) 2014–15, pending annual allocations from the ED. These sub-grants are used for planning, program design, and initial implementation of a charter school.

### B. Eligibility

A newly established or conversion charter school may apply for a P/I grant. If open, the school must not have been serving students for more than one school year at the time of application. (See Appendix B for definition of “newly established charter school”.)

An applicant must be a nonprofit entity or LEA. Non-profit status at the time of submission of the application will be verified with the California Secretary of State. Individuals and for-profit entities may not apply for P/I grants.

An applicant may also be a developer that has applied to an authorized public chartering authority to operate a charter school, but has not been approved. In order to be eligible to apply for the PCSGP funds, a developer must submit the charter petition to an authorized public chartering authority by October 12, 2012, and must receive approval by the end of the fiscal year of this grant cycle (FY 2012-13), June 30, 2013. If the charter is pending approval, the PCSGP application will be reviewed and scored during this grant award cycle. However, the applicant must have an approved charter from the district or county office of education where the school will be located or the SBE before a grant may be approved for funding.

Conversion schools that receive Title I School Improvement Grant (SIG) funds are **not** eligible for the PCSGP grant.

Prior PCSGP sub-grant award—If an applicant has previously received PCSGP funds to develop a charter school, all requirements of that previous grant must have been met or be in the process of being met. If an applicant previously received PCSGP funds for the planning and/or initial operation of an SBE-numbered charter school, it must have the same number of open and operating charter schools as the number of PCSGP grants received previously.

To qualify for a P/I sub-grant, a charter school must have enrollment of at least 50 students at one point in time within the first calendar year of operation based on the effective date the charter school is open and available to serve students AND enrollment of at least 100 students at one point in time within two calendar years of operation based on the effective date the charter school is open and available to serve students.

### **C. Autonomy**

Autonomy is a requirement of the PCSGP and **all** of the following conditions must be met:

- The charter school must be highly autonomous: Under the ED the CSP program defines a highly autonomous charter school as one that exhibits a high degree of autonomy in governance, operations, staffing, and financial decisions. PCSGP applicants must demonstrate a high degree of autonomy in the application.
- Reviewers use specific criteria to assess each charter school's degree of autonomy. These criteria include, but are not limited to, the following:
  - A. Governance structure (i.e., governing board or entity as described in the school's approved charter):
    1. Is elected or appointed independently of the chartering authority.
    2. Includes less than a majority of the current employees or appointees of the chartering authority.
    3. Operates as and/or is operated by a nonprofit public benefit corporation.
  - B. Operations: The charter school governing board or entity as described in the school's approved charter maintains control over a majority of its operations (i.e., professional development, school year calendar, disciplinary policies and procedures, curriculum, graduation requirements, etc.).

**C. Staffing:**

1. Teachers and staff are employees of the charter school.
2. The charter school retains a majority of decision-making authority over all hiring, dismissal, work rule, employee assignment, and other personnel decisions and actions.
3. The charter school governing board or entity as described in the school's approved charter has adopted its own employment policies and procedures.

- D. Financial Decisions: the charter school governing board or entity as described in the school's approved charter exhibits control over the development and adoption of the charter school's budget, the receipt and expenditure of funds, business management ("back-office") services, audit services, purchasing and contracting decisions, and other financial matters in general.

**D. Public Random Drawing and Lottery**

The applicant's approved charter must comply with applicable public random drawing (lottery) laws: For locally and SBE authorized charter schools:

*California Education Code (EC) Section 47605(d)(2)(A)*—A charter school shall admit all pupils who wish to attend the school; and

*EC Section 47605(d)(2)(B)*—However, if the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided for in *EC Section 47614.5*. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.

For charter schools authorized as a countywide benefit charter:

*EC Section 47605.6(e)(2)(A)*—A charter school shall admit all pupils who wish to attend the school; and

*EC Section 47605.6(e)(2)(B)*—However, if the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall

be extended to pupils currently attending the charter school and pupils who reside in the county except as provided for in *EC* Section 47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.

## **Funding Priority and Funding Levels**

### **A. Funding Priority**

There may not be sufficient funding to serve all eligible applicants. Therefore, this application process is highly competitive. Applications will be screened by CDE staff for completeness and compliance with autonomy and public random drawing requirements. Applications will then be scored by a peer review process to determine if they receive a fundable score. An application that receives a "1" in any required element will not be considered for funding. Additional information on scoring criteria is provided on page 21. A funding priority based on overall score, in descending order, will be applied if insufficient funds are available to fund all applications that receive a qualifying score.

The CDE will only consider awarding funds to those applications that submit a comprehensive and viable application likely to improve student academic achievement. If insufficient funds are available to fund all successful applications the CDE may consider other factors such as geographic distribution, school size, and grade level distribution.

### **B. Length of Sub-grant Award and Maximum Funding Level**

The sub-grant period is broken down into two phases: the planning phase, not to exceed 18 months, and the implementation phase, not to exceed 24 months. However, the duration of the grant period cannot exceed 36 months; if the planning phase exceeds 12 months in duration, then the implementation phase will be shortened by a commensurate number of months.

The planning phase ends on the day prior to the first day of instruction (including summer school programs). Once the school begins serving students, the sub-grantee will enter the implementation phase. Schools that fit this timeline may be awarded a "three-year grant".

If the sub-grant recipient's school is operational when the sub-grant is awarded, then the sub-grant immediately enters its 24-month implementation phase. The school would be awarded a "two-year grant", and will not have a planning phase.

P/I sub-grant awards made in the 2012–2013 cycle cannot be placed into inactive status. Interruptions in the grant period may warrant termination of the sub-grant award. For example, if a school is unable to open due to the inability to secure facilities by the close of its planning phase, the sub-grant for the school will be terminated.

The total funding level for the sub-grant is the same; schools receiving a two-year grant do not receive less funding than schools receiving a three-year grant. The per-phase allocations for each sub-grant may be different. Any unspent funds from a previous phase can be carried over to the subsequent phase, but all sub-grant funds must be spent by the end of the grant period.

### **Implementation (Two-Year) Funding Level**

The following funding level applies to new or conversion, classroom based or non-classroom based charters that are in operation on the date the sub-grant award begins. There is no planning phase.

#### **Two-Year Funding Level, Base Award Amount**

Type of School	Implementation Year 1 Allocation	Implementation Year 2 Allocation	Total Funds Awarded
Non-Classroom Based	\$162,500	\$87,500	\$250,000
Classroom Based	\$225,000	\$150,000	\$375,000

### **Planning and Implementation (Three-Year) Funding Level**

The following funding model applies to new or conversion, classroom based or non-classroom based charters that are not in operation on the date the sub-grant award begins. The planning phase ends when the school begins serving students.

#### **Three-Year Funding Level, Base Award Amount**

Type of School	Planning Allocation (if applicable)	Implementation Year 1 Allocation	Implementation Year 2 Allocation	Total Funds Awarded
Non-Classroom Based	\$75,000	\$100,000	\$75,000	\$250,000
Classroom Based	\$175,000	\$100,000	\$100,000	\$375,000

### Eligibility for Higher Sub-Grant Award

A higher sub-grant award may be awarded if the applicant's school has not been awarded Title I School Improvement Grant (SIG) funding and meets one of the following criteria:

- Applicant's school is located, or a majority of the students served by the applicant's school reside in an attendance area of a school that has been determined to be persistently lowest achieving, or eligible for Title 1 SIG funding.

Or

- Applicant's school is located, or a majority of the students served by the applicant's school reside in an attendance area of a school that is in Program Improvement (PI) Year 3, 4, or 5, and has an Academic Performance Index (API) decile rank of 1 or 2.

Applicant's school may be a conversion, classroom-based or non-classroom based charter school. The following two-year and three-year funding level applies to schools approved for a higher sub-grant award amount.

#### Two-Year Funding Level, Higher Sub-Grant Award Amount

Type of School	Year 1 Allocation	Year 2 Allocation	Total Funds Awarded
Non-Classroom Based	\$225,000	\$150,000	\$375,000
Classroom Based	\$325,000	\$250,000	\$575,000

#### Three-Year Funding Level, Higher Sub-Grant Award Amount

Type of School	Planning Allocation	Year 1 Allocation	Year 2 Allocation	Total Funds Awarded
Non-Classroom Based	\$175,000	\$100,000	\$100,000	\$375,000
Classroom Based	\$225,000	\$200,000	\$150,000	\$575,000

## **Program Accountability and Monitoring**

The CDE is responsible for monitoring PCSGP implementation in accordance with the following program accountability requirements:

1. Each applicant receiving funding through this RFA meets the eligibility requirements for the sub-grant described herein, and the applicant has provided all required assurances that it will comply with all program implementation and reporting requirements established through this RFA.
2. Each applicant receiving funding through this RFA appropriately uses these funds described in this application.
3. Each applicant implements activities funded through this application within the timeline in which the funds provided are to be used.

To fulfill its monitoring responsibilities, the CDE will require funded applicants to submit appropriate fiscal and program documentation. In addition, representatives of the state may conduct site visits to a selected representative sample of funded applicants. The purpose of these visits would be to validate information submitted by applicants and gather additional information from interviews and observations for technical assistance, monitoring, and evaluation purposes.

Applicants awarded PCSGP funds must satisfy periodic reporting and accountability requirements throughout the term of the sub-grant. These requirements address: (A) program accountability; (B) fiscal reporting requirements; (C) performance reporting; (D) comprehensive annual reports; (E) annual budget; (F) monitoring; and (G) program evaluation.

### **A. Program Accountability**

Each identified sub-grant is responsible for carrying out its responsibilities in accordance with ESEA Title V Part B sections 5201–5211, available at <http://www2.ed.gov/policy/elsec/leg/esea02/pg62.html> and its approved sub-grant application and work plan. Sub-grantees must also file periodic reports with the CDE to report on the use of grant funds or the progress of proposed sub-grant activities.

### **B. Fiscal Reporting Requirements**

Sub-grantees must submit quarterly expenditure reports to the CDE for the duration of their sub-grant award. The sub-grantee is responsible for ensuring that reports are accurate, complete, and submitted on time.



**Fiscal Reporting Due Dates:**

<b>Quarter</b>	<b>Reporting Period</b>	<b>Report Due Date</b>
1	July 1 – September 30	October 31
2	October 1 – December 31	January 31
3	January 1 – March 31	April 30
4	April 1 – June 30	July 31

**C. Performance Reporting Requirements**

Quarterly benchmark reports must be submitted along with quarterly expenditure reports. The sub-grantee is responsible for ensuring that reports are accurate, complete, and submitted on time.

**D. Comprehensive Annual Reports**

A comprehensive annual report must be submitted to the CDE no later than April 15 for each subsequent year of the grant. Performance data that will be collected include, but are not limited to:

- The percentage of fourth-grade charter school students who are achieving at or above the proficient level on State examinations in mathematics
- The percentage of fourth-grade charter school students who are achieving at or above the proficient level on State examinations in reading
- The percentage of eighth-grade charter school students who are achieving at or above the proficient level on State examinations in mathematics
- The percentage of eighth-grade charter school students who are achieving at or above the proficient level on State examinations in reading
- Fiscal health, as measured by: (1) adequate reserves and ending balances; (2) evidence of sound planning and adequate funding to support long-term goals; and (3) budgets that reflect school priorities, which include student academic outcomes
- Year-to-year student retention rates

## **E. Annual Budget**

An annual budget of projected expenditures to be funded by the grant must be submitted during the application process. The annual budget must be submitted to the CDE no later than July 1 for each subsequent year of the grant.

## **F. Monitoring**

The CDE will monitor sub-grantees by reviewing and approving quarterly and/or annual monitoring reports, and the CDE may conduct site visits, contingent on travel restrictions and the availability of funds. All information in monitoring reports is subject to verification. If selected as part of a site visit sample, applicants must agree to site visits by state representatives. The site visit is intended to validate information provided in fiscal and program reports and gather more detailed information on implementation efforts and challenges. The CDE may require additional information from the sub-grantee, verify information with the authorizing agency, require the submission of additional documentation including but not limited to invoices, receipts, personnel time, and efforts reports. Prior to a site visit, the sub-grantee may be required to submit additional relevant information that will allow the CDE to conduct a useful, efficient, and effective visit. The CDE may require electronic submission of documents instead of hardcopy submission.

CDE staff will verify the contents of documentation submitted. The sub-grantee will be asked to revise their report when: non-allowable expenses are found; the report is confusing or difficult to understand; or there are unexplained discrepancies between the proposed use of grant funds, as provided in the annual budget, and actual expenditures found in the submitted documentation.

## **G. Program Evaluation**

### **External Review**

A rigorous process of review by a third party external reviewer, not affiliated with the charter school's authorizing entity, or any member of the charter school's governing board, faculty, or staff, is required of all sub-grantees' schools by the end of the grant period. A copy of the report must be submitted to the CDE and a copy must be kept on file at the school site.

If a sub-grantee fails to conduct the external review before the end of the grant period or if any items in the review are less than satisfactory, the CDE may invoice the sub-grantee

for a base amount of 10 percent of the total sub-grant award, up to the total amount of the Implementation Year 2 funds.

### **CDE External Review**

The CDE is required to contract for an external evaluation of the PCSGP. Sub-grantees are required to comply with any requests by the ED or contractor, including but not limited to organizing site visits, scheduling interviews, and completing surveys.

### **H. Webinars and Conference Calls**

Sub-grantees are required to participate in any webinars and conference calls that the CDE may conduct related to completing and filing reports or other requirements of the PCSGP.

## **Fiscal Operations**

Sub-grantees may only use sub-grant funds for allowable sub-grant expenditures during the grant period. Any unspent funds remaining at the end of the grant period must be returned to the CDE.

### **A. Use of Funds**

PCSGP funding shall be used to support school improvement efforts by eligible charter schools funded by this sub-grant process. Sub-grant funds may be used for staff salaries, materials, services, training, equipment, supplies, evaluation, facilities, or other purposes, except as specifically limited by all applicable legal requirements including all regulations or statutes or by the State Education Agency (SEA). Each eligible charter school that receives an award may use the funds to carry out activities that advance the PCSGP sub-grant priorities. Sub-grantees may only use sub-grant funds for their intended purposes.

The PCSGP funds must supplement, not supplant, existing services and may not be used to supplant federal, state, local, or nonfederal funds. Programs may not use PCSGP funds to pay for existing levels of service funded from any other source. PCSGP funds may not be used for new construction, most transportation, class size reduction, or purchases that do not directly support the approved work plan.

Refer to the Federal Charter Schools Program Nonregulatory Guidance, <http://www2.ed.gov/programs/charter/nonregulatory-guidance.html> for further information on allowable use of PCSGP funds.

The PCSGP is federally funded and applicants must adhere to all applicable federal laws and regulations. General guidance regarding allowable expenses for federal grant funds may be found in Office of Management and Budget (OMB) Circulars:

- A-87: Principles for determining costs of grants with state and local governments. This document may be accessed through the following link: [http://www.whitehouse.gov/omb/circulars\\_a087\\_2004/](http://www.whitehouse.gov/omb/circulars_a087_2004/).
- A-122: Principles for determining costs of grants with non-profit organizations. This document may be accessed through the following link: [http://www.whitehouse.gov/omb/circulars\\_a122\\_2004/](http://www.whitehouse.gov/omb/circulars_a122_2004/).

It is prohibited to use federal grant funds for fundraising, civil defense, legal claims against the state or federal government, and contingencies.

Refer to Form 8 for California Account Codes. For a detailed description of these expenditure classifications, refer to the *California School Accounting Manual*, 2011 Edition. Visit the CDE Accounting Web page at <http://www.cde.ca.gov/fq/ac/sa/> for viewing and downloading information.

## **B. Payments to Sub-grantees**

The CDE will issue payments in five increments as follows:

- The first payment: 22.5 percent of the annual sub-grant allocation, plus all expenses already incurred, after the CDE receives the signed Grant Award Notification (GAN) letter (AO-400).
- Subsequent payments will be made quarterly in amounts that equal 22.5 percent of the annual allocation, plus expenses already incurred to date, upon verification that quarterly reports have been submitted to the CDE by the sub-grantee.
- No payments will be made in excess of the sub-grant award. Ten percent will be withheld until approval of the final year-end expenditure report.

## **Termination of Funding**

Funding may be terminated if there is evidence of fraud or fiscal irregularity in the use of funds for their intended purpose.

## **Application Requirements**

Applicants responding to this RFA must submit a complete application packet, including a complete response to all narrative elements described in this RFA, required forms, and all original signatures required as noted on each application form. The application must be in Microsoft Word 2003 or later, single spaced, and 12-point Arial font using **one-inch** margins.

### **A. Narrative Response Requirements–Part 1 (PCSGP Form 2–Required)**

(15 Page Limit Total)

Applicants applying for the 2012–13 PCSGP funds must complete PCSGP Form 2–Narrative Response *Part 1*. When responding to the narrative elements, applicants should provide a thorough response that addresses **all** requirements of each element, if applicable. The CDE has provided a rubric that describes expectations for applicant responses to each narrative element and other requirements of the application. This rubric is included as Appendix A of this RFA. Applicants are advised to use the rubric as a guide in preparing their applications. The rubric will also be used as a guide for reviewers during the application review and peer review and scoring process. An application that receives a rating of "1" on any required area will not be recommended for funding. The seven narrative elements are described below.

#### **1. Educational Program (Required Element)**

The applicant must describe the educational program to be implemented in the proposed charter. This description must address the following:

- How the program will enable all students to meet challenging State student academic achievement standards
- The grade level or ages of children to be served and expected student population's demographics
- The goals and objectives of the charter school, and the methods by which the charter school will determine its progress toward achieving those goals and objectives

- A plan to develop teacher effectiveness measures that include student achievement data as a substantial portion of the teacher evaluation
- The curriculum and instructional practices to be used
- Strategies to assess and evaluate impact on student achievement, and manage continuous instructional improvement

## **2. Charter School Management Plan (Required Element)**

The applicant must describe how the charter school will be managed. This description must address the following:

- A description of the administrative relationship between the charter school and the authorized public chartering agency
- A description of the use of data driven decision making to inform instruction and evaluations

## **3. Community and Parent Involvement (Required Element)**

The applicant must describe the level of community and parent support. The description must include the following:

- How parents and other members of the community will be involved in the planning, program design, and implementation of the charter school
- The process followed by the school to ensure ongoing parental involvement

## **4. Sustainability and Alignment of Resources (Required Element)**

The applicant must describe a sustainability plan and a description of other funding resources. This description must address the following:

- A description of how the charter school will provide for continued operation of the school once the federal grant has expired
- A description of how sub-grant funds will be used in conjunction with other federal programs

## **5. Targeted Capacity Building Activities (If Applicable)**

Applicants are required to devote a portion of the sub-grant funds to targeted capacity building activities with the exception of successful charter management organizations or

applicants that can demonstrate that they have already engaged in this activity prior to the grant application.

The applicant must either A) describe how the requirements of this section have already been met; or B) describe how the charter school will use a portion of their P/I funds to target capacity building activities in an effort to increase the likelihood that new charter schools will gain greater sustainability through such activities. Targeted capacity building areas include, but are not limited to:

- Building and sustaining data systems that measure student success and inform teachers and principals in how they can improve their practices
- Opportunities for teachers to plan, and engage in professional development within and across grades and subjects
- Instructional development and improvement systems with periodic reviews to ensure that the curriculum is being implemented with fidelity, and is having the intended impact on student achievement, and is modified if ineffective
- Instructional improvement systems for technology-based tools and other strategies that provide teachers, principals, and administrators with meaningful support and actionable data to systemically manage continuous instructional improvement
- Leadership and Governance to overcome initial start-up challenges and establish a thriving, financially viable charter school. Must include governance and fiscal management training in the first year of operation
- Business and personnel services
- Strategic planning

## **6. Autonomy (Required Element)**

The applicant must describe the flexibility and level of autonomy the school has from the authorizer over budget, expenditures, personnel, and daily operations.

## **7. Notification and Admissions (Required Element)**

The applicant must describe the notification and admission process. This description must address the following:

- A description of how students in the community will be informed about the charter school and given an equal opportunity to attend the charter school

- A description of the admission, and public random drawing process if the number of pupils exceeds the school's capacity. Refer to *EC* Section 47605(d)

## **B. Narrative Response Requirements–Part 2 (PCSGP Form 3–If applicable)**

(4 Page Limit Total)

The applicant must respond to the following two narrative responses, if applicable, using PCSGP Form 3. These two responses will not be scored or included in the peer review process.

### **1. Compliance with Individuals with Disabilities Education Act (IDEA) (If applicable)**

If the charter school is considered a local educational agency (refer to *EC* sections 47640-47647), the applicant must describe how the charter school will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act.

### **2. Eligibility for Higher Sub-Grant Award (If applicable)**

If the applicant is eligible for and requesting a higher sub-grant award, the applicant must describe how the charter school meets the criteria for a higher sub-grant award, which is:

- Applicant's school is located, or a majority of the students served by the applicant's school reside in an attendance area of a school that has been determined to be persistently lowest achieving, or eligible for Title 1 SIG funding.

**Or**

- Applicant's school is located, or a majority of the students served by the applicant's school reside in an attendance area of a school that is in PI Year 3, 4, or 5, and has an API decile rank of 1 or 2.

In the description, the applicant must provide the distance, in miles, between the school and the traditional (non-charter) school identified above; how the school is of reasonable distance to recruit students from the selected traditional (non-charter) school; and the charter school serves at least one grade level as the selected traditional (non-charter) school.



### **C. Charter School Work Plan/Activities (PCSGP Form 7–Required)**

All applicants applying for the 2012–13 PCSGP funds must complete a PCSGP Work Plan/Activities (Work Plan). The applicant must include actions/activities that align to and support the implementation of each of the seven narrative elements of the grant application as described on Form 2. Each activity must include a timeline with specific start and end dates, the individual position or person, if known, who will be responsible for oversight and monitoring, and the type of evidence that will be submitted to the CDE, upon request, to verify implementation. The activities identified in the Work Plan will be used in the monitoring of the charter school's progress in planning and implementation of the charter school using PCSGP funding. The Work Plan includes the following elements:

1. Educational Program
2. Charter Management Plan
3. Community and Parent Involvement
4. Sustainability and Alignment of Resources
5. Targeted Capacity Building Activities (if applicable)
6. Autonomy
7. Notification and Admissions

There is a **15 Page Limit** Total for this section.

### **D. Budget Summary and Narrative (PCSGP Forms 5 and 6–Required)**

The applicant must include a Budget Summary (PCSGP Form 5) and Budget Narrative (PCSGP Form 6) for all years of the grant. All P/I sub-grant funds requested must be budgeted in the budget summary and narrative.

Funding amounts will reflect the applicants funding level as determined by the type of school and whether the applicant is eligible for a higher sub-grant award. An applicant's budget total may not exceed the maximum award.

#### **Budget Criteria:**

- The applicant's projected budget summary is complete, expenditures are accurately classified by object code, the full term of the sub-grant is covered, and totals by year are provided.
- The applicant's projected budget narrative includes detailed information to describe activities and costs associated with each object code. Budget items accurately reflect the actual cost of implementing the objective.

- The budget summary and narrative are clearly aligned and, taken together, fully describe appropriate expenditures of funds in all categories that are clearly sufficient to support the design and implementation of proposed activities.

**Important:**

- The budget summary and narrative forms must address all years of the sub-grant (two or three years).
- The budget summary and narrative forms may not be modified and broken down further than the object codes provided (e.g., 1000, 2000, 3000, etc.).
- The budget summary and narrative forms must include totals by object code series, year, and entire term of the sub-grant.

## **Application Review and Scoring Process**

### **A. Application Review and Sub-grant Award Process**

After the application has been submitted, CDE staff will screen the application to verify that the application is complete.

A review of the public random drawing policy and autonomy will be completed prior to the peer review process. Any application that does not meet the following criteria will not be forwarded on for the peer review process.

**Public Random Drawing (PRD)**—Application is compliant as defined in state law: 1) Preference given to Existing Students; 2) Preference given to Pupils who reside in the district area for a locally or SBE authorized charter, or county area for a countywide benefit charter; and then 3) Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law; and

**Autonomy**—School meets criteria as described in this RFA on page 6.

If either component is deficient or non-compliant, CDE staff will notify the applicant in writing, provide instructions to remedy any issues with the application, and set a limited deadline for when revisions must be submitted for the application to be considered. If the application successfully passes screening, it will then be reviewed and scored via a peer review process.

## **B. Peer Review**

Federal law (ESEA, Title V, Part B, Section 5204) requires a peer review of PCSGP applications. California recruits national and state charter school developers, governing board members, operators, and authorizers to participate in this process. Reviewers are required to recuse themselves from the evaluation of any application for which they have a perceived or real conflict of interest. Each application will be independently reviewed and scored by two peer reviewers.

## **C. Scoring Criteria**

Each element of the narrative response will be scored using a 4-point rubric. A score of 4, 3, or 2 is required for every element in order for the application to be approved. A score of "1" in any area will result in the application being denied. Peer reviewers will examine and score eligible applications with respect to the following:

- Educational Program
- Charter Management Plan
- Community and Parent Involvement
- Sustainability and Alignment of Resources
- Targeted Capacity Building Activities (If applicable)
- Autonomy
- Notification and Admissions

The Charter School Work Plan/Activity chart (Form 7) must include actions/activities associated with each narrative response element that align and support the full implementation of the proposed plan. The actions/activities identified must be specific and include specific timelines with start and end dates, a designated position or person responsible, and a description of the type of evidence that will be submitted to the CDE, upon request, to verify implementation. Additional instructions for completing the PCSGP Charter Work Plan/Activity chart are provided on page 19 and PCSGP Form 7 of this RFA.

## **D. Approval Process**

Scores for the narrative response will be provided by peer reviewers. When recommending sub-grant applications for funding, the CDE will recommend funding those applications that fully comply with all requirements described in this RFA. The CDE will only consider awarding funds to those applicants that develop and submit a comprehensive and viable application.

Applicants are advised to refer to the PCSGP Rubric for further guidance on developing an appropriate response. If any of the required narrative areas receives a score of "1", that application will not be recommended for funding.

Once the review and scoring process is complete CDE staff will notify the applicant of approval or denial, and will provide additional instructions.

### **E. Sub-grant Award Notification**

The GAN is a legally binding document between the CDE and the sub-grantee. Upon notice of award, sub-grantees must return the GAN with the original signature of the designated primary applicant—the president of the board of directors of the nonprofit entity or an executive officer.

### **F. Appeal Process**

If an application is not approved, applicants may request to appeal within 30 calendar days following receipt of the letter of denial. The request for appeal must clearly identify a violation that the application review process failed to follow a state or federal statute or regulation in not approving the sub-grant application or that the funds awarded were not in accordance with the requirements of statutes and regulations, or to comply with California's approved 2010–2015 CSP application.

A request to appeal the denial of a sub-grant award should be addressed to:

Public Charter Schools Grant Program  
Charter Schools Division  
California Department of Education  
1430 N Street, Suite 5401  
Sacramento, CA 95814-5901

### **Submission of Applications**

Applicants responding to this RFA must submit a complete application packet and provide all original signatures required, as noted on each application form. Applications must be submitted with all forms compiled in the order listed on the Application Checklist provided on page 24 of this RFA.

Applicants must submit an original, three hard copies, and one electronic (e-mail or on a disk) Microsoft Word 2003 or later copy (all single spaced in 12 point Arial font using one inch margins) of each application and ensure that the original and copies are received by the Charter Schools Division on or before (not postmarked by) 4:30 p.m., **October 12, 2012**.

Mailed documents must arrive on or before **October 12, 2012**, and should be sent to the following address:

Public Charter Schools Grant Program  
California Department of Education  
Charter Schools Division  
1430 N Street, Suite 5401  
Sacramento, CA 95814-5901

Applicants may personally deliver the sub-grant application package to the Charter Schools Division on or before (not postmarked by) 4:30 p.m., **October 12, 2012**, at the following location:

Public Charter Schools Grant Program  
California Department of Education  
Charter Schools Division  
1430 N Street, Suite 5401  
Sacramento, CA 95814-5901

To comply with Federal Americans with Disability Act (ADA) Regulations, please adhere to the following guidelines:

- Submit text based documents only (no scanned images)
- If images are included, also include alternative text for that image
- Do not use color to convey information
- Do not include images of handwritten signatures for privacy reasons

## **Waivers**

If an applicant believes that a waiver is necessary for the successful operation of the charter school, the applicant must have an approved waiver for any state or local laws, regulations, or policies that are generally applicable to charter schools prior to submitting a PCSGP application.

If the school previously received a PCSGP planning sub-grant or requires a waiver of any federal statutory or regulatory provisions, the applicant must submit a written request to waive specific statute or regulations, including an explanation or justification for the request, concurrently with or prior to submitting the PCSGP application.

## Forms

### PCSGP Application Checklist

#### Application Components

The following forms must be included as part of the application. Please put a check or initial by each form after completion and compile the application packet in the order provided below. These forms can be downloaded from the CDE PCSGP Web page at [CDE web link].

Include this completed checklist in the application packet

- \_\_\_\_\_ PCSGP Form 1 Application Cover Sheet (Required)  
(Must be signed in **blue ink** by the primary applicant)
- \_\_\_\_\_ PCSGP Form 2 Narrative Response–Part 1 (Required)  
**Limit 15 Pages**
- \_\_\_\_\_ PCSGP Form 3 Narrative Response–Part 2 (If applicable)  
**Limit 4 Pages**
- \_\_\_\_\_ PCSGP Form 5 Proposed Budget Summary (Required)
- \_\_\_\_\_ PCSGP Form 6 Budget Narrative (Required)
- \_\_\_\_\_ PCSGP Form 7 Charter School Work Plan/Activities (Required)  
**Limit 15 Pages**

## PCSGP Form 1—Application Cover Sheet

### Public Charter Schools Grant Program (PCSGP) Application for Funding

**APPLICATION RECEIPT DEADLINE**  
**October 12, 2012, 4:30 p.m.**

Submit to:  
Charter Schools Division  
California Department of Education  
1430 N Street, Suite 5401  
Sacramento, CA 95814-5901

**NOTE:** Please print or type all information.

Charter School Information	
Charter School Name	
Address	
City	Zip Code
County	County District School Code
Telephone Number	Fax Number
Charter Authorizing Agency Name	School Grade Level
State Board of Education Charter School Number	
Charter School Approval Date (if you do not have an SBE number)	
School Opening Date	Proposed Enrollment
School Type (Classroom or Non-classroom)	Newly Established or Conversion School

Name of Grant Application Organization (complete only one)	
Non-profit Entity (enter corporation name)	
County Office of Education	
School District	

## PCSGP Form 1—Application Cover Sheet (Page 2 of 2)

Primary Applicant Information		
First Name	Last Name	
Title		
Address		
City	State	Zip Code
Telephone Number	Fax Number	E-mail Address

Contact Person Information		
First Name	Last Name	
Title		
Address		
City	State	Zip Code
Telephone Number	Fax Number	E-mail Address

Grant Award Information (indicate amount requested in the appropriate box below)		
The charter school is non-classroom based (eligible for funding up to \$250,000) \$ _____	The charter school is classroom based (eligible for funding up to \$375,000) \$ _____	The charter school is classroom based (*eligible for higher sub-grant award amount, up to \$575,000) \$ _____ *Applicant must complete and include Form 3.

Certification, Assurance and Signature Section	
<p><b>CERTIFICATION/ASSURANCE:</b> As the duly authorized representative of the applicant, I have read all assurances, certifications, terms, and conditions associated with the Federal PCSGP program; and I agree to comply with all requirements as a condition of funding.</p> <p>I certify that all applicable state and federal rules and regulations will be observed and that to the best of my knowledge, the information contained in this application is correct and complete.</p>	
Printed Name of Administrator or Designee	Telephone Number
Administrator or Designee Signature (Blue Ink)	Date



## PCSGP Form 2—Narrative Response—Part 1

(Required)

Please respond to the areas below using 12 point Arial font and one inch margins. Page limit for this section is **15 pages** total. When responding to the narrative areas, applicants should provide a thorough response that addresses **all** components of each area. Refer to Narrative Response Requirements on page 15 of this RFA, and the PCSGP Rubric, Appendix A.

1.	<b>Educational Program (Required)</b>
	Response:
2.	<b>Charter Management Plan (Required)</b>
	Response:
3.	<b>Community and Parent Involvement (Required)</b>
	Response:
4.	<b>Sustainability and Alignment of Resources (Required)</b>
	Response:
5.	<b>Targeted Capacity Building Activities (If applicable)</b>
	Response:
6.	<b>Autonomy (Required)</b>
	Response:
7.	<b>Notification and Admissions (Required)</b>
	Response:

### **PCSGP Form 3—Narrative Response—Part 2**

(If applicable)

Please respond to the areas below using 12 point Arial font and one inch margins. Page limit is **4 pages** for this section. When responding to the narrative areas, applicants should provide a thorough response that addresses **all** components of each area. Refer to Narrative Response Requirements on page 18 of this RFA.

<b>1.</b>	<b>Compliance with Individuals with Disabilities Education Act (IDEA) (If applicable)</b>
	Response:
<b>2.</b>	<b>Eligibility for Higher Sub-grant Award (If applicable)</b>
	Response:

## **PCSGP Form 4—Budget Instructions**

### **Instructions for Completing the Proposed Budget Summary (PCSGP Form 5)**

The applicant must include the Proposed Budget Summary (PCSGP Form 5) and a Budget Narrative (PCSGP Form 6). Sub-grant funds are intended to support the final planning and initial operation of the charter school.

Important:

- The Budget must address the full term of the sub-grant (two or three years)
- The Budget must be of sufficient size and scope to implement the objectives and activities
- The Budget Summary may not be modified and broken down further than the object codes provided (e.g., 1000, 2000, 3000, etc.)

### **Instructions for Completing the Budget Narrative (PCSGP Form 6)**

The Budget Narrative must provide more detail regarding the information provided in the Proposed Budget Summary and support actions and activities identified in the narrative response and the Charter School Work Plan/Activities.

Use the Budget Narrative form to describe the costs associated with each activity reflected in the budget. The Budget Narrative must clearly identify those activities that are related to costs included in the planning and implementation columns on the Proposed Budget Summary (PCSGP Form 5).

- The Budget Narrative must be grouped by object code series (e.g., 1000, 2000, 3000, etc.).
- The Budget Narrative must include totals by object code series, year, and include totals by object code series, year, and term of sub-grant.

See the complete list of California Account Codes in Form 8.

***Be sure that your Charter School name appears on all pages.***

## PCSGP Form 5—Proposed Budget Summary

Name of Charter School:	
County/District/School (CDS) Code:	Charter Number:
County:	
Contact:	Telephone Number:
E-Mail:	Fax Number:
PCA:      SACS Resource: 4610 Revenue Object : 8290	

Object Code	Description of Line Item	PCSGP Funds Budgeted		
		FY	FY	FY
		Planning Year (If Applicable)	Implementation Year 1	Implementation Year 2
	Revolving Fund Series (Implementation Year 1 only)			
1000–	Certificated Personnel Salaries			
1999				
2000–	Classified Personnel Salaries			
2999				
3000–	Employee Benefits			
3999				
4000–	Books and Supplies			
4999				
5000–	Services and Other Operating Expenditures			
5999				
6000–	Capital Outlay			
6999				
7310 &	Indirect Costs			
7350				
<b>Total Amount Budgeted</b>				



## PCSGP Form 7—Charter School Work Plan/Activities

Include specific activities and action steps that align to and support the implementation of the associated element. Applicant may include multiple activities that support each element. The page limit for this form is **15-pages**. The timeline to complete each activity and action step, including beginning and ending dates, using both month and year designations, position or persons responsible for ensuring that each action step is completed according to the proposed timeline, description of evidence that will be submitted to CDE, upon request for monitoring purposes.

Element	Actions/Activities	Timeline		Position or Person Responsible	Evidence
		Start	End		
<b>Educational Program</b>					
<b>Charter Management Plan</b>					
<b>Community and Parent Involvement</b>					
<b>Sustainability and Alignment of Resources</b>					
<b>Targeted Capacity Building Activities</b> <b>(If applicable)</b> <ul style="list-style-type: none"> <li>• Governance training (required)</li> <li>• Fiscal Management training (required)</li> </ul>					
<b>Autonomy</b>					
<b>Notification and Admissions</b>					

## PCSGP Form 7—Charter School Work Plan/Activities

### EXAMPLE

Include specific activities and action steps that align to and support the implementation of the associated element. Applicant may include multiple activities that support each element. The page limit for this form is **15-pages**. The timeline to complete each activity and action step, including beginning and ending dates, using both month and year designations, position or persons responsible for ensuring that each action step is completed according to the proposed timeline, description of evidence that will be submitted to CDE, upon request for monitoring purposes.

Element	Actions/Activities	Timeline		Position or Person Responsible	Evidence
		Start	End		
Educational Program	Conduct two-day workshop on adapting curriculum and instruction	10/2/12	10/3/12	Principal	Agenda and sign-in sheets
	Weekly Teacher observations	Sept. 2012	May 2013	Principal	Schedule, Observation forms
Charter Management Plan	Monthly meeting to review data, evaluate and modify instruction	Sept. 2012	May 2013	Principal and teachers	Agendas, meeting notes
Community and Parent Involvement	Initial parent meeting	8/25/12	8/25/12	Principal	Notification letter, agenda, sign-in sheets
Sustainability and Alignment of Resources					
Targeted Capacity Building Activities (If applicable)	<ul style="list-style-type: none"> <li>Governance training (required)</li> <li>Fiscal Management training (required)</li> </ul>				
Autonomy					
Notification and Admissions					

## **PCSGP Form 8—Object of Expenditure Codes**

School districts and county superintendents of schools are required to report expenditures in accordance with the object classification plan in the California School Accounting Manual. The use of these object codes will facilitate the preparation of budgets and the various financial reports requested by federal, state, county, and local agencies. The California School Accounting Manual is available from the CDE Publication Sales (call 1-800-995-4099).

### **1000–1999 Certificated Personnel Salaries**

- 1100 Certificated Teachers' Salaries
- 1200 Certificated Pupil Support Salaries
- 1300 Certificated Supervisors' and Administrators' Salaries
- 1900 Other Certificated Salaries

### **2000–2999 Classified Personnel Salaries**

- 2100 Classified Instructional Salaries
- 2200 Classified Support Salaries
- 2300 Classified Supervisors' and Administrators' Salaries
- 2400 Clerical, Technical, and Office Staff Salaries
- 2900 Other Classified Salaries

### **3000–3999 Employee Benefits**

- 3101 State Teachers' Retirement System, certificated positions
- 3102 State Teachers' Retirement System, classified positions
- 3201 Public Employees' Retirement System, certificated positions
- 3202 Public Employees' Retirement System, classified positions
- 3301 OASDI/Medicare/Alternative, certificated positions
- 3302 OASDI/Medicare/Alternative, classified positions
- 3401 Health and Welfare Benefits, certificated positions
- 3402 Health and Welfare Benefits, classified positions
- 3501 State Unemployment Insurance, certificated positions
- 3502 State Unemployment Insurance, classified positions
- 3601 Workers' Compensation Insurance, certificated positions
- 3602 Workers' Compensation Insurance, classified positions
- 3701 OPEB, Allocated, certificated positions
- 3702 OPEB, Allocated, classified positions
- 3751 OPEB, Active Employees, certificated positions
- 3752 OPEB, Active Employees, classified positions
- 3801 PERS Reduction, certificated positions
- 3802 PERS Reduction, classified positions
- 3901 Other Benefits, certificated positions
- 3902 Other Benefits, classified positions

## **Object of Expenditure Codes, Page 2**

### **4000–4999 Books and Supplies**

- 4100 Approved Textbooks and Core Curricula Materials
- 4200 Books and Other Reference Materials
- 4300 Materials and Supplies
- 4400 Noncapitalized Equipment
- 4700 Food

### **5000–5999 Services and Other Operating Expenditures**

- 5100 Subagreements for Services
- 5200 Travel and Conferences
- 5300 Dues and Memberships



5400 Insurance

## **PCSGP Form 8—Object of Expenditure Codes (Page 2 of 2)**

### **5000–5999 Services and Other**

5500 Operations and Housekeeping Services  
5600 Rentals, Leases, Repairs, and Noncapitalized Improvements  
5700–5799 Transfers of Direct Costs  
5710 Transfers of Direct Costs  
5750 Transfers of Direct Costs—Interfund  
5800 Professional/Consulting Services and Operating Expenditures  
5900 Communications

### **6000–6999 Capital Outlay**

6100 Land  
6170 Land Improvements  
6200 Buildings and Improvements of Buildings  
6300 Books and Media for New School Libraries or Major Expansion of School Libraries  
6400 Equipment  
6500 Equipment Replacement  
6900 Depreciation Expense (for proprietary and fiduciary funds only)

### **7000–7499 Other Outgo**

#### **7100–7199 Tuition**

7110 Tuition for Instruction Under Interdistrict Attendance Agreements  
7130 State Special Schools  
7141 Other Tuition, Excess Costs, and/or Deficit Payments to Districts or Charter Schools  
7142 Other Tuition, Excess Costs, and/or Deficit Payments to County Offices  
7143 Other Tuition, Excess Costs, and/or Deficit Payments to JPAs

## **Object of Expenditure Codes, Page 2**

### **7200–7299 Interagency Transfers Out**

7211 Transfers of Pass-Through Revenues to Districts or Charter Schools  
7212 Transfers of Pass-Through Revenues to County Offices  
7213 Transfers of Pass-Through Revenues to JPAs  
7221 Transfers of Apportionments to Districts or Charter Schools  
7222 Transfers of Apportionments to County Offices  
7223 Transfers of Apportionments to JPAs  
7281 All Other Transfers to Districts or Charter Schools  
7282 All Other Transfers to County Offices  
7283 All Other Transfers to JPAs  
7299 All Other Transfers Out to All Others

### **7300–7399 Transfers of Indirect Costs (Effective 2008-09)**

7310 Transfers of Indirect Costs 7350 Transfers of Indirect Costs—Interfund  
7370 Transfers of Direct Support Costs (Valid through 2007–08)  
7380 Transfers of Direct Support Costs—Interfund (Valid through 2007–08)

### **7430–7439 Debt Service**

7432 State School Building Repayments  
7433 Bond Redemptions  
7434 Bond Interest and Other Service Charges  
7435 Repayment of State School Building Fund Aid—Proceeds from Bonds  
7436 Payments to Original District for Acquisition of Property  
7438 Debt Service—Interest  
7439 Other Debt Service—Principal

## **PCSGP Form 9—General Assurances and Certifications**

### **General Assurances** (Required for all Applicants)

**Note:** All sub-grantees are required to retain on file a copy of these assurances for the charter school records and for audit purposes. Please download the General Assurances form located on the CDE Funding Tools and Materials Web page at <http://www.cde.ca.gov/fq/fo/fm/>. Do not submit PCSGP Form 9 to the CDE; retain at the charter school.

### **Certifications Regarding Drug-Free Workplace, Lobbying, and Debarment and Suspension** (Do not submit as part of RFA.)

Download the following three forms from the CDE Funding Tools and Materials Web page at <http://www.cde.ca.gov/fq/fo/fm/>. The signature on the front of the application indicates acknowledgement and agreement to all assurances.

1. Drug-Free Workplace
2. Lobbying
3. Debarment and Suspension

## **PCSGP Form 10—Sub-grant Conditions and Assurances**

### **Specific Assurances**

As a condition of the receipt of funds under this sub-grant program, the applicant agrees to comply with the following Sub-grant Conditions and Assurances. The signatures of the authorized agents on the front of this application indicates acknowledgement and agreement to all assurances.

1. This grant shall be administered in accordance with the provisions of California law regarding charter schools; Title X, Part C of the Improving America's Schools Act of 1994; and the Code of Federal Regulations (CFR) parts 75, 76.785 through 76.799, 77, 81, 86, and 99. Expenditures shall comply with all applicable provisions of federal and state regulations and policies relating to the administration, use and accounting for public school funds. Any interpretations of law, regulations, and procedures shall be the sole responsibility of the CDE.
2. The CDE reserves the authority to require the repayment of received funds, the return of all unused funds, and/or the termination of the grant if the grant recipient fails to meet the terms of this agreement, fails to meet established deadlines, or fails to act in good faith to carry out the activities described in the grant proposal.
3. The charter school or charter developer agrees to use the funding in a manner consistent with their applications as submitted, or as revised and approved by the CDE.
4. The grant recipient agrees to fulfill the performance measures specific to its grant type and submit timely financial reports, status reports, and all other required reports. Failure to do so could result in the forfeiture of the grant and repayment of funds.
5. The grant recipient agrees to cooperate with the ED, the CDE, the State Board of Education, and their independent contractors, if any, in the administration of this grant, and to conduct any external evaluation of the effectiveness of the grant process.
6. Auditable records will be maintained on file for five years following the grant closing date.
7. The grant recipient's name will be used in all communications.
8. Report to the CDE the school-level data as described in this RFA.

### **PCSGP Form 10—Sub-grant Conditions and Assurances (Page 2 of 3)**

9. Respond to any additional surveys or other methods of data collection that may be required for the full sub-grant period.
10. Include in the application all required forms signed by the primary applicant or designee.
11. All audits of financial statements will be conducted in accordance with Government Auditing Standards and with policies, procedures, and guidelines established by the Education Department General Administrative Regulations (EDGAR), Single Audit Act Amendments, and OMB Circular A-133.
12. Applicant has provided timely notice of its intent to apply for PCSGP sub-grant and a copy of the sub-grant application to the authorizer.
13. Maintain fiscal procedures to minimize the time elapsing between the transfer of the funds from the CDE and disbursement
14. Federal regulations require grant recipients to establish written standards pursuant to employee conflicts of interest in awarding contracts, and written standards for resolution of any protests or disputes that arise from procurements. Regulations also provide numerous requirements in the procurement process, specifically designed to ensure proper use of public funds in an open and freely competitive environment. Information on these regulations can be found in Appendix C. Procurements that are not negotiated in accordance with federal regulations will be disallowed
15. For all grant recipients, the following documents must be on file at their business offices
  - Organizational charts, signed articles of incorporation, and any other organizational and governance documents of the agency.
  - A copy of this RFA and the general assurances and certifications, as well as other relevant materials that are referred to but not included within the RFA.

This information is subject to review and verification by CDE staff

16. Teachers hired by grant recipients must adhere to ESEA “highly-qualified teacher” standards for core academics. More information about these standards may be found on the CDE Improving Teacher and Principal Quality Web page at <http://www.cde.ca.gov/nclb/sr/tq/>. In addition, all staff must have cleared health (e.g., tuberculosis) and criminal background (e.g., fingerprinting) checks. This information is subject to review and verification by CDE staff.

### **PCSGP Form 10—Sub-grant Conditions and Assurances (Page 3 of 3)**

17. Grant recipients must participate annually in all testing programs required by state law.
18. All non-federal entities expending \$500,000 or more in combined federal funds (e.g., PCSGP and Title I funds, or American Recovery and Reinvestment Act [ARRA] funds) in a single year are required by federal law to obtain and submit a Single Audit to the Federal Audit Clearinghouse. PCSGP recipients required to file Federal Single Audits must submit a copy of the reporting package to the CDE Charter Schools Division as a PCSGP performance benchmark. Further information may be found in OMB Circular A-133, which may be accessed at the following link:  
[http://www.whitehouse.gov/sites/default/files/omb/assets/a133/a133\\_revised\\_2007.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/a133/a133_revised_2007.pdf).
19. Grant recipients will access the Federal Audit Clearinghouse Web page to submit their Single Audit. The web address for this Web page is:  
<http://harvester.census.gov/sac/>.
20. The CDE will verify that the grant recipient's school (1) has an enrollment of at least 50 students at one point in time within the first calendar year of operation based on the effective date the charter school is open and available to serve students AND (2) has at least 100 students at one point in time within two calendar years of operation based on the effective date the charter school is open and available to serve students.

Depending on the date the charter school opened to serve students, grant recipients may provide the CDE with either a copy of an online CDE DataQuest certified enrollment report, a copy of an aggregate school-level California Longitudinal Pupil Achievement Data System (CALPADS) Operational Data Store (ODS) enrollment report, or a signed letter from the charter authorizer that confirms enrollment.

If the school does not reach the minimum enrollment required during the grant project period, grant disbursements may be withheld until the enrollment requirement has been met. If the school does not reach the minimum enrollment requirement by the end of the grant project period, the CDE may invoice the school for grant payments issued to date. If the grant recipient is concerned that the school will not meet the enrollment requirements, in lieu of meeting this requirement the CDE will consider a budget report submitted by the grantee that attests to the sustainability of the school beyond the duration of the grant.

## Appendices

### Appendix A: PCSGP Rubric

#### 1. Educational Program (Required)

The likelihood that the schools education program would result in increased student academic performance as measured by the State's standardized testing program.

Narrative Element	Advanced—4 points	Adequate—3 Points	Limited—2 Points	Inadequate—1 point
The applicant must describe the educational program to be implemented in the proposed charter. This description must address the following:	The narrative includes a thorough description of the educational program to be implemented in the proposed application, which is likely to support full implementation resulting in increased student academic performance for all students.	The narrative includes an adequate description of the educational program to be implemented in the proposed application and is likely to suggest adequate implementation resulting in increased student academic performance for all students.	The narrative includes a brief description of the educational program to be implemented in the proposed application; however, the likelihood of increased student academic performance is limited.	The narrative does not include sufficient information on the educational program to be implemented in the proposed charter. The likelihood of increased student academic performance is not clear.
How the program will enable all students to meet challenging State student academic achievement standards	The narrative clearly identifies how the educational program will enable all students to meet challenging State student academic achievement standards.	The narrative adequately identifies how the educational program will enable all students to meet challenging State student academic achievement standards.	The narrative provides a limited description on how the educational program will enable students to meet challenging State student academic achievement standards.	The narrative is not clear on how the program will enable students to meet challenging State student academic achievement standards.
The grade level or ages of children to be served	The narrative clearly describes the expected student population's demographics.	The narrative describes the expected student population's demographics.	The narrative does not fully describe the expected student population's demographics	The narrative does not describe the expected student population's demographics.
Goals and Objectives of the charter school and the methods the school will determine progress toward achieving those goals and objectives	The narrative provides clear and realistic goals and objectives that are measureable. A thorough description is provided of the methods that will be used to achieve goals and measure objectives.	The narrative provides goals and measurable objectives. An adequate description of the methods that will be used to achieve the goals and measure objectives is provided.	The narrative provides goals and objectives. The description of the methods that will be used to determine progress on meeting goals and objectives is limited.	The narrative does not provide goals and objectives, or the goals and objective are not measureable or realistic. There is no description of the methods that will be used to determine progress on meeting the goals and objectives.
A plan to develop teacher effectiveness measures that include student achievement data as a	The narrative provides a clear plan for the development of teacher effectiveness measures that include student achievement	The narrative provides an adequate plan for the development of teacher effectiveness measures that include student achievement data	The narrative provides limited information on the plan for the development of teacher effectiveness measures that	The narrative does not provide a plan for the development of teacher effectiveness measures that include student achievement data

<b>Narrative Element</b>	<b>Advanced–4 points</b>	<b>Adequate–3 Points</b>	<b>Limited–2 Points</b>	<b>Inadequate–1 point</b>
substantial portion of the teacher evaluation	data as a substantial portion of the teacher evaluation.	as a substantial portion of the teacher evaluation.	include student achievement data as a substantial portion of the teacher evaluation.	as a substantial portion of the teacher evaluation
The curriculum and instructional practices to be used	The narrative clearly describes the curriculum and instructional practices to be used in the proposed application align with the student population.	The narrative adequate describes how the curriculum and instructional practices to be used in the proposed application align with the student population.	The narrative provides limited information on how the curriculum and instructional practices to be used in the proposed application align with the student population.	The narrative does not sufficiently describe the curriculum and instructional practices to be used in the proposed application.
Strategies to assess and evaluate impact on student achievement, and manage continuous instructional improvement	The narrative provides a thorough description of the strategies that will be used to assess and evaluate impact on student achievement. Description is clear how that data will be continuously used to manage and improvement instruction.	The narrative provides an adequate description of the strategies that will be used to assess and evaluate impact on student achievement, and provides a linkage to how that data will be used to manage and improvement instruction.	The narrative provides a limited description on assessing and evaluating impact on student achievement. The is limited or no detail on how that data will be continuously used to manage and improvement instruction.	The narrative does not provide a description of the how the impact on student achievement will be assessed and evaluated in order to manage and improve instruction.
Work plan activities	Activities identified in the work plan are clear and align to support the full implementation of the plan identified in the narrative. Activities identified include specific implementation dates, and identify who is responsible and what evidence will be provided.	Activities identified in the work plan adequately align to support the implementation of the plan identified in the narrative. Activities identified include implementation dates, and identify who is responsible and what evidence will be provided.	Activities identified in the work plan provide a limited support for implementation of the plan identified in the narrative. Activities identified include range of implementation dates, did not identify who is responsible and/or what evidence will be provided.	Activities identified in the work plan do not align to support or support the full implementation of the plan identified in the narrative, or there are no activities identified in the work plan for this element. Activities do not include implementation dates; identify who is responsible, or what evidence will be provided.

## Appendix A: PCSGP Rubric

### 2. Charter School Management Plan (Required)

The likelihood that the management plan will create, support, and sustain a high-quality charter school.

Narrative Element	Advanced–4 points	Adequate–3 Points	Limited–2 Points	Inadequate–1 point
<p>The applicant must describe how the charter will be managed. This description must address the following:</p> <p>A description of the administrative relationship between the charter school and the authorized public chartering agency, and the use of data for decision making.</p>	<p>The narrative includes a clear description of the administrative relationship between the charter school and the authorized public chartering agency. The plan includes a thorough description on the governing board's capacity, organizational structure, roles and responsibilities, and data decision-making to inform instruction and evaluations that will create, support, and will sustain a high-quality charter school.</p>	<p>The narrative includes an adequate description of the administrative relationship between the charter school and the authorized public chartering agency. The plan includes an adequate description on the governing board's capacity, organizational structure, roles and responsibilities, and data decision-making to inform instruction and evaluations that will create, support, and is likely to sustain a high-quality charter school.</p>	<p>The narrative includes a limited description of the administrative relationship between the charter school and the authorized public chartering agency. The plan includes limited information on the governing board's capacity, organizational structure, roles and responsibilities, and data decision-making to inform instruction and evaluations. It is not clear if it will create, support, and sustain a high-quality charter school.</p>	<p>The narrative does not provide a clear description of the administrative relationship between the charter school and the authorized public chartering agency. Limited or no information is provided on the governing board's capacity, organizational structure, roles and responsibilities, and data decision-making to inform instruction and evaluations that will create, support, and will sustain a high-quality charter school.</p>
<p>Work plan activities</p>	<p>Activities identified in the work plan are clear and align to support the full implementation of the plan identified in the narrative. Activities identified include specific implementation dates, and identify who is responsible and what evidence will be provided.</p>	<p>Activities identified in the work plan align to support the implementation of the plan identified in the narrative. Activities identified include implementation dates, and identify who is responsible and what evidence will be provided.</p>	<p>Some activities identified in the work plan do not align or support the implementation of the plan identified in the narrative. Some activities identified include range of implementation dates, did not identify who is responsible and/or what evidence will be provided.</p>	<p>Activities identified in the work plan do not align to support or support the full implementation of the plan identified in the narrative, or there are no activities identified in the work plan for this element. Activities do not include implementation dates, identify who is responsible, or what evidence will be provided.</p>



## Appendix A: PCSGP Rubric

### 3. Community and Parent Involvement (Required)

The level of community and parent support for the charter school.

Narrative Element	Advanced–4 points	Adequate–3 Points	Limited–2 Points	Inadequate–1 point
The applicant must describe how parents and other members of the community will be involved in the planning, program design, and implementation of the charter school.	The narrative includes a thorough description of how parents and other members of the community will be involved in the planning, program design, and implementation of the charter school.	The narrative includes an adequate description of how parents and other members of the community will be involved in the planning, program design, and implementation of the charter school.	The narrative includes a limited description of how parents and other members of the community will be involved in the planning, program design, and implementation of the charter school.	The narrative does not provide sufficient information on how parents and other members of the community will be involved in the planning, program design, and implementation of the charter school.
The process followed by the school to ensure parental involvement	The narrative thoroughly and clearly describes the process followed by the school to ensure parental involvement.	The narrative adequately describes the process followed by the school to ensure parental involvement	The narrative provides only a limited description of the process followed by the school to ensure parental involvement.	The narrative does not sufficiently describe the process followed by the school to ensure parental involvement.
Work plan activities	Activities identified in the work plan are clear and align to support the full implementation of the plan identified in the narrative. Activities identified include specific implementation dates, and identify who is responsible and what evidence will be provided.	Activities identified in the work plan align to support the implementation of the plan identified in the narrative. Activities identified include implementation dates, and identify who is responsible and what evidence will be provided.	Activities identified in the work plan do not align or support the implementation of the plan identified in the narrative. Activities identified include range of implementation dates, did not identify who is responsible and/or what evidence will be provided.	Activities identified in the work plan do not align to support or support the full implementation of the plan identified in the narrative, or there are no activities identified in the work plan for this element. Activities do not include implementation dates, identify who is responsible, or what evidence will be provided.

## Appendix A: PCSGP Rubric

### 4. Sustainability and Alignment of Resources (Required)

The applicant must describe a sustainability plan and a description of other funding resources.

Narrative Element	Advanced—4 points	Adequate—3 Points	Limited—2 Points	Inadequate—1 point
A description of how the charter school will provide for continued operation of the school once the Federal grant has expired.	The narrative includes a clear and thorough description of a sustainability plan and identifies other funding resources.	The narrative adequately describes a sustainability plan and identifies other funding resources.	The narrative provides a limited description of a sustainability plan and/or a limited identification of other funding resources.	The narrative has identified few, if any, other funding resources planned for supporting implementation of the charter school.
A description of how sub-grant funds or grant funds will be used in conjunction with other federal programs.	The narrative includes a thorough description of how other resources align with the proposed application, a coherent sustainability plan, and continues support for implementation of the charter school once the Federal grant has expired.	The narrative adequately describes how other resources align with the proposed application, a coherent sustainability plan, and continues support for implementation of the charter school once the Federal grant has expired.	The narrative provides a limited description of how other resources align with the charter school's sustainability plan and/or demonstrates limited support for implementation of the charter school once the Federal grant has expired.	The narrative does not provide a description of how other resources identified align with the charter school's sustainability plan and/or support for implementation of the charter school once the Federal Grant has expired.
Work plan activities	<p>The narrative includes a clear and thorough description of how sub-grant funds or grant funds will be used in conjunction with other federal programs.</p> <p>Activities identified in the work plan are clear and align to support the full implementation of the plan identified in the narrative. Activities identified include specific implementation dates, and identify who is responsible and what evidence will be provided.</p>	<p>The narrative adequately describes how sub-grant funds or grant funds will be used in conjunction with other federal programs.</p> <p>Activities identified in the work plan align to support the implementation of the plan identified in the narrative. Activities identified include implementation dates, and identify who is responsible and what evidence will be provided.</p>	<p>The narrative provides a limited description of how sub-grant or grant funds will be used in conjunction with other federal programs.</p> <p>Activities identified in the work plan do not align or support the implementation of the plan identified in the narrative. Activities identified include range of implementation dates, did not identify who is responsible and/or what evidence will be provided.</p>	<p>The narrative does not sufficiently describe how sub-grant or grant funds will be used in conjunction with other federal programs.</p> <p>Activities identified in the work plan do not align to support or support the full implementation of the plan identified in the narrative, or there are no activities identified in the work plan for this element. Activities do not include implementation dates, identify who is responsible, or what evidence will be provided.</p>

## Appendix A: PCSGP Rubric

### 5. Targeted Capacity Building Activities (if applicable)

To increase the likelihood for a new charter school to gain greater sustainability.

Narrative Element	Advanced–4 points	Adequate–3 Points	Limited–2 Points	Inadequate–1 point
<p>Targeted capacity building areas include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Building and sustaining data systems</li> <li>• Opportunities for teachers to plan, and engage in professional development</li> <li>• Instructional development and improvement systems</li> <li>• Instructional improvement systems for technology-based tools and other strategies to manage continuous instructional improvement</li> <li>• Leadership and governance. Providing governance and fiscal management training in the first year of operation.</li> <li>• Business and personnel services</li> <li>• Strategic planning</li> </ul>	<p>The narrative includes a clear and thorough description of a plan for capacity building, which includes all of the following areas:</p> <ul style="list-style-type: none"> <li>• Building and sustaining data systems</li> <li>• Opportunities for teachers to plan, and engage in professional development</li> <li>• Instructional development and improvement systems</li> <li>• Instructional improvement systems for technology-based tools and other strategies to manage continuous instructional improvement</li> <li>• Leadership and governance</li> <li>• Business and personnel services</li> <li>• Strategic planning</li> </ul>	<p>The narrative provides an adequate description of a plan for capacity building, which includes all of the following areas:</p> <ul style="list-style-type: none"> <li>• Building and sustaining data systems</li> <li>• Opportunities for teachers to plan, and engage in professional development</li> <li>• Instructional development and improvement systems</li> <li>• Instructional improvement systems for technology-based tools and other strategies to manage continuous instructional improvement</li> <li>• Leadership and governance</li> <li>• Business and personnel services</li> <li>• Strategic planning</li> </ul>	<p>The narrative includes limited description of a plan for capacity building, which does not include all of the following areas:</p> <ul style="list-style-type: none"> <li>• Building and sustaining data systems</li> <li>• Opportunities for teachers to plan, and engage in professional development</li> <li>• Instructional development and improvement systems</li> <li>• Instructional improvement systems for technology-based tools and other strategies to manage continuous instructional improvement</li> <li>• Leadership and governance</li> <li>• Business and personnel services</li> <li>• Strategic planning</li> </ul>	<p>The narrative does not include a sufficient description of a plan for capacity building,</p> <p>The work plan does not identify activities that support the implementation of the capability-building plan.</p> <p>The plan does not identify governance and fiscal management training in the first year of operation.</p>
<p>Work plan activities</p>	<p>The plan identifies governance and fiscal management training to be completed in year one. The work plan identifies sufficient activities that align to and support the full implementation of the capability-building plan.</p>	<p>The plan identifies governance and fiscal management training to be completed in year one. The work plan identifies activities that align to and support the implementation of the capability-building plan.</p>	<p>The plan identifies governance and fiscal management training to be completed in year one. The work plan identifies limited activities that support the implementation of the capability-building plan.</p>	<p>The work plan does not identify governance and fiscal management training and/or activities identified in the work plan do not align to support or support the full implementation of the plan identified in the narrative, or there are no activities identified in the work plan for this element. Activities do not include implementation dates, identify who is responsible, or what evidence will be provided.</p>

## Appendix A: PCSGP Rubric

### 6. Autonomy (Required)

The applicant must describe the flexibility and level of autonomy.

Narrative Element	Advanced–4 points	Adequate–3 Points	Limited–2 Points	Inadequate–1 point
The degree of autonomy over the charter school's budget, expenditures, personnel, and daily operations.	The narrative clearly describes the flexibility and level of autonomy the charter school has over budget, expenditures, personnel, and daily operation.	The narrative adequately describes the flexibility and level of autonomy the charter school has over budget, expenditures, personnel, and daily operation.	The narrative provides limited information on the flexibility and level of autonomy the charter school has over budget, expenditures, personnel, and daily operation.	The narrative does not provide a description, or the description does not demonstrate the charter school's degree of autonomy over the charter school's budget, expenditures, personnel, and daily operation
Work plan activities	Activities identified in the work plan are clear and align to support the full implementation of the plan identified in the narrative. Activities identified include specific implementation dates, and identify who is responsible and what evidence will be provided.	Activities identified in the work plan align to support the implementation of the plan identified in the narrative. Activities identified include implementation dates, and identify who is responsible and what evidence will be provided.	Activities identified in the work plan do not align or support the implementation of the plan identified in the narrative. Activities identified include range of implementation dates, did not identify who is responsible and/or what evidence will be provided.	Activities identified in the work plan do not align to support or support the full implementation of the plan identified in the narrative, or there are no activities identified in the work plan for this element. Activities do not include implementation dates, identify who is responsible, or what evidence will be provided.

## Appendix A: PCSGP Rubric

### 7. Notification and Admissions (Required)

The applicant must describe the notification and admission process.

Narrative Element	Advanced–4 points	Adequate–3 Points	Limited–2 Points	Inadequate–1 point
<p>A description of how students in the community will be informed about the charter school and given an equal opportunity to attend the charter school.</p> <p>If the number of pupils exceeds the school's capacity, attendance except for existing pupils of the charter school, shall be determined by a public random drawing (per <i>EC</i> Section 47605[d])</p> <p>Work plan activities</p>	<p>The applicant clearly describes the notification and admission process, including PRD as applicable.</p> <p>The narrative section includes a thorough description of how students in the community will be informed about the charter school and given an equal opportunity to attend the charter school.</p> <p>Activities identified in the work plan are clear and align to support the full implementation of the plan identified in the narrative. Activities identified include specific implementation dates, and identify who is responsible and what evidence will be provided.</p>	<p>The applicant adequately describes the notification and admission process, including PRD as applicable..</p> <p>The narrative section provides an adequate description of how students in the community will be informed about the charter school and given an equal opportunity to attend the charter school.</p> <p>Activities identified in the work plan align to support the implementation of the plan identified in the narrative. Activities identified include implementation dates, and identify who is responsible and what evidence will be provided.</p>	<p>The application provides a limited description of the notification and admission process, including PRD as applicable.</p> <p>The narrative section provides a brief description of how students in the community will be informed about the charter school and given an equal opportunity to attend the charter school.</p> <p>Activities identified in the work plan do not align or support the implementation of the plan identified in the narrative. Activities identified include range of implementation dates, did not identify who is responsible and/or what evidence will be provided.</p>	<p>The application does not describe the notification and admission process, including PRD as applicable.</p> <p>The narrative section does not include a description of how students in the community will be informed about the charter school and given an equal opportunity to attend the charter school.</p> <p>Activities identified in the work plan do not align to support or support the full implementation of the plan identified in the narrative, or there are no activities identified in the work plan for this element. Activities do not include implementation dates, identify who is responsible, or what evidence will be provided.</p>

## Appendix A: PCSGP Rubric

Compliance with Individuals with Disabilities Education Act (IDEA) (If applicable):

If the charter school is considered a local educational agency pursuant to *EC* sections 47640-47647. This section will not be scored as part of the peer review process; however, this information will be used by CDE staff when determining the final approval of the grant award.

Narrative Area	Adequate	Inadequate
The applicant must describe how the charter school will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act.	The applicant provides clear description of how the charter school will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act.	The applicant does not adequately describe how the charter school will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act.

## Appendix A: PCSGP Rubric

Eligibility for Higher Grant Award (If applicable):

Eligibility for higher grant award will not be scored as part of the peer review process; this information will be used by CDE staff when determining the grant award amount.

Narrative Area	Adequate	Inadequate
<p>The applicant must describe how the charter school will:</p> <p>Be located in the attendance area of a school that is either eligible for Title 1 SIG funding or chronically low performing, <b>or</b></p> <p>Serve a majority of students who reside in the attendance area of a school that is either eligible for Title 1 SIG funding or chronically low performing</p> <p>The description must provide the distance, in miles, between the school and the traditional (non-charter) school identified above; how the school is of reasonable distance to recruit students from the selected traditional (non-charter) school; and the charter school serves at least one grade level as the selected traditional (non-charter) school</p>	<p>The applicant describes how the school is either eligible for Title 1 SIG funding chronically low performing, <b>or</b></p> <p>Serves a majority of students who reside in the attendance area of a school that is either eligible for Title 1 SIG funding or chronically low performing.</p> <p>The applicant includes in the description the distance in miles between the school and the traditional (non-charter) school identified above; how the school is of reasonable distance to recruit students from the selected traditional (non-charter) school; and the charter school serves at least one grade level as the selected traditional (non-charter) school.</p>	<p>The applicant does not adequately describe how the school is either eligible for Title 1 SIG funding chronically low performing, <b>or</b></p> <p>Serves a majority of students who reside in the attendance area of a school that is either eligible for Title 1 SIG funding or chronically low performing.</p> <p>The applicant does not include in the description the distance in miles between the school and the traditional (non-charter) school identified above; how the school is of reasonable distance to recruit students from the selected traditional (non-charter) school; and the charter school serves at least one grade level as the selected traditional (non-charter) school.</p>

## Appendix A: PCSGP Rubric

Work Plan/Activity Chart (Required)—NOT Scored by Peer Review

The work plan/activity chart will not be scored as a separate component in the peer review process. Work plan activities, and how those activities align and support the narrative proposed plan for each element, will be considered by the peer reviewers when scoring each section.

Narrative Area	Adequate	Inadequate
<p>The work plan must address each of the required narrative elements and identified activities should align and support the proposed plan.</p> <p>The work plan must include actions and activities required to implement each objective, a timeline with specific start and end dates, the individual position and person who will be responsible for oversight and monitoring, and the type of evidence that will be submitted to the CDE, upon request, to verify planning and implementation.</p>	<p>At least one action or activity is identified for each required element identified in the narrative and on the work plan.</p> <p>The work plan includes actions and activities required to implement each objective.</p> <p>The work plan identifies timeline with specific start and end dates.</p> <p>Work plan identifies the individual position and/or person responsible for oversight and monitoring.</p> <p>Work plan identifies the evidence that will be submitted to CDE to verify progress on the implementation/completion of each specific activity..</p>	<p>Not all required elements of the narrative and work plan have an action or activity identified.</p> <p>The work plan does not include specific actions and activities required to implement each objective.</p> <p>Work plan does not include a specific timeline with specific start and end dates</p> <p>Work plan does not include a position or individual who is responsible for oversight and monitoring.</p> <p>Work plan does not include the evidence that will be submitted to CDE to verify the progress on the specific activities.</p>



## **Appendix B: Definitions of PCSGP Terms**

**Admissions Criteria:** see Public Random Drawing

**Approved Charter:** A charter petition that has been approved by an authorizing agency for a public school in California. Formal minutes of the authorizing agency document the approval of the charter petition.

**Attendance Area of a School:** A locally determined geographic designation that establishes boundaries for school enrollment.

- For the purposes of the CSP grant and in accordance with the ESEA, Section 1113:
  - (A) The term 'school attendance area' means, in relation to a particular school, the geographical area in which the children who are normally served by that school reside; and
  - (B) The term 'eligible school attendance area' means a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of children from low-income families served by the local educational agency as a whole.

**Authorizing Agency:** A California school district, county office of education, or the State Board of Education (SBE) that has approved a charter petition, directly or on appeal.

**Charter Management Organization:** Nonprofit entities that directly manage public charter schools.

**Charter Developer:** An individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out, as defined by Section 5210(2) of the Elementary and Secondary Education Act (ESEA).

**Charter School:** A public school that provides instruction in any grades kindergarten through 12 and is approved by an authorized public chartering agency as a charter school under the provisions of *EC* Section 47600 et. seq. (Please see Appendix H for further clarification).

**Charter School Program (CSP):** A U.S. Department of Education (ED) administered discretionary grant program. Awarded states distribute sub-grants to charter school developers to assist in the development and initial operations of newly established or conversion charter schools.

## **Appendix B: Definitions of PCSGP Terms (Page 2 of 5)**

**Chronically Low Performing:** Schools that have been determined to be persistently lowest-achieving or in Program Improvement Years 3, 4, or 5 under Title 1, Part A of the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind (NCLB) Act **and** have a Statewide Academic Performance Index (API) decile rank of 1 or 2.

**Classroom-based:** A program that requires pupils to be engaged in educational activities under the immediate supervision and control of an employee of the charter school who possesses a valid teaching certification. (Also referred to as Site-based.) See California *EC* Section 47612.5(e)(1).

**Conflict of Interest:** Charter school and non-profit public benefit corporation board members are regarded as governmental representatives and as such are subject to provisions of the Fair Political Practices Act and federal regulations found in 34 *CFR* Section 75.525.

**Conversion School:** A traditional public school that converts to charter status under the processes established in *EC* sections 47605, 52055.5, 52055.55, or 52055.650.

**County District School (CDS) Code:** The CDS (County-District-School) code system is an administrative convenience designed to provide the California Department of Education (CDE), the Department of Finance, and postsecondary institutions with a basis for tracking schools. This 14-digit code is the official, unique identification of a school within California. The first two digits identify the county, the next five digits identify the school district, and the last seven digits identify the school.

**Decile Rank: Academic Performance Index (API) ranks** are established by deciles. Deciles are ten categories of equal size from ten (highest) to one (lowest).

**Direct-Funded:** A funding designation under which charter schools receive funds and apply for grants independently from a local educational agency. A charter school annually selects its funding status via the Funding Survey distributed by the CDE. (Also see **Locally Funded**.)

**ED:** The Federal Department of Education.

**Education Management Organization (EMO):** Education management organizations (EMOs) are largely for-profit firms that may provide “whole-school operation” services to public school agencies.

**Elementary and Secondary Education Act (ESEA):** The Elementary and Secondary Education Act of 1965. ESEA is the primary federal legislation for primary (elementary) and secondary education in the United States.

## Appendix B: Definitions of PCSGP Terms (Page 3 of 5)

**Grant Award Notification (GAN):** a legally binding document between the CDE and the grantee. An official document signed by an authorized official stating the amount, terms, and conditions of the grant award.

**Grantee:** For the purposes of this RFA and the PCSGP, the California Department of Education is the “grantee”.

**Implementation Phase:** A period of time between when the grant recipient’s school begins serving students and the end of the grant period. If the school is operational and serving students at the time of award, then it starts the grant period in the implementation phase.

**Locally Funded:** A funding designation that provides funding for charter schools through an LEA. A charter school annually selects its funding status via the Funding Survey distributed by the CDE. (Also see **Direct-funded**.)

**Lottery:** See Public Random Drawing

**Newly Established Charter School:** For purposes of the PCSGP, a newly established charter school is defined as:

- A charter school that has not operated as a private school or under another SBE number, **and** has been in operation as a charter school for no more than one school year.
- or**
- An existing traditional school that converts to a charter school.

EC Section 47601 disallows the conversion of private schools to charter schools. Existing charter schools acquiring a new charter-authorizing agency are not eligible for PCSGP grant funds. Charter schools that close and then reopen with a new charter number and CDS code are not eligible for PCSGP funds. Neither the merging of two schools nor the separating of one school results in establishing a new school

Please note that if a school that previously received PCSGP funding closes and a new school opens in the same location, the latter must demonstrate autonomy from the previous school in order to be eligible for a PCSGP sub-grant. Such autonomy is demonstrated by the following criteria:

1. New authorizer
2. Majority new governing authority
3. Majority of new administration

## **Appendix B: Definitions of PCSGP Terms (Page 4 of 5)**

4. New operator's clearly defined role that will ensure successful operation of the new school
5. Different educational program that is research based
6. New teachers and staff in any areas of previous AYP deficiency
7. Measurable objectives to show how the new school will remedy/avoid the problems of the closed school
8. Informing previous students that they can select a currently higher-performing school
9. Parental/community involvement with the school's new program

**Non Classroom-Based:** A program that does not meet the requirements defined for a Classroom-based program. (Also referred to as non-site based.) See *EC* Section 47612.5(e)(2).

**Persistently Lowest-Achieving:** California used the percentage of students scoring proficient or advanced on each school's Adequate Yearly Progress (AYP) report to determine the list of persistently lowest-achieving schools. The criteria for establishing the list is posted on the California Department of Education (CDE) Persistently Lowest-Achieving Schools Web page at <http://www.cde.ca.gov/ta/ac/pl/methodology.asp>.

**Planning Phase:** For new charter schools not yet serving students, the planning phase ends on the day prior to the first day of instruction (including summer school programs).

**Primary Applicant:** (Formerly: Authorized Agent). School board president or lead petitioner. The primary applicant must verify and sign all official documents related to the grant award.

**Procurement:** Any formal requisition process used to acquire goods and services that may involve the use of purchase orders, invoices, contracts, and approvals by any level of hierarchy at the grantee's agency. Numerous requirements apply to procurements funded by PCSGP funds; please see Appendix C: Procurements for additional information.

**Program Improvement (PI):** In California, PI is the formal designation for Title I-funded schools and LEAs that fail to make Adequate Yearly Progress (AYP) for two consecutive years. Under ESEA, PI schools and LEAs are responsible for implementing certain federal and state requirements during each year that they are in PI. These vary, based on the PI year and whether the entity is a school or LEA.

**Public Charter School Grant Program (PCSGP):** A federal discretionary grant program administered by the California Department of Education (CDE). The CDE

## **Appendix B: Definitions of PCSGP Terms (Page 5 of 5)**

distributes sub-grants to charter school developers to assist in the development and initial operations of newly established or conversion charter schools.

**Public Random Drawing (Lottery):** A random selection process used to admit applicants to a charter school when the number of applicants exceeds a school's enrollment capacity.

**Restructured School:** Under ESEA, a restructured school in PI Years 4-5 refers to changes made at a PI school that reorganizes the staffing, governance, or other aspects of the school but maintains the school intact as an entity, with the same student population, usually located at the same school facility and with the same school code. A restructured school, including a PI school converted to a charter school, will continue to retain its designation as a PI school and will exit PI only when the school has made AYP for two consecutive years.

**Secondary school or students:** A school that is composed of any combination of seventh through twelfth grades. A secondary student is any student enrolled in grades seven through twelve.

**School Improvement Grant (SIG):** The School Improvement Grant (SIG) provides funding to help local educational agencies (LEAs) address the needs of schools in improvement, corrective action, and restructuring to improve student achievement.

**Single Audit:** All non-federal entities expending \$500,000 or more in **combined** federal funds (e.g., PCSGP and Title I funds, or American Recovery and Reinvestment Act (ARRA) funds) in a single year are required by federal law to obtain and submit a Single Audit to the Federal Audit Clearinghouse. PCSGP recipients required to file federal Single Audits must submit a copy of the reporting package to the CDE Charter Schools Division as a PCSGP performance benchmark. Further information may be found in OMB Circular A-133, which may be accessed at the following link:

[http://www.whitehouse.gov/sites/default/files/omb/assets/a133/a133\\_revised\\_2007.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/a133/a133_revised_2007.pdf).

Grantees will access the Federal Audit Clearinghouse web page to submit their Single Audit. The web address for this web page is: <http://harvester.census.gov/sac/>.

**State Education Agency (SEA):** For the purposes of this RFA, the SEA is the State Board of Education.

**Sub-Grantee:** For the purposes of this RFA, sub-grantees or grant recipients are charter schools awarded a PCSGP grant.

## Appendix C: Revolving Grant Funds for Prohibited Personnel Costs

Grantees are permitted to allocate prohibited personnel costs to grant funds, but only if there is a lack of state or local funds that would otherwise be used to fund these expenses, and only during the first Implementation year of the grant period. Prohibited personnel costs consist primarily of salaries for staff members engaged in ongoing operational activities, such as pupil instruction or general administration. The following conditions apply:

- Grantees may allocate up to the maximum of their first Implementation year allotment, not including any unspent funds that are carried over from the Planning phase.
- Grantees must replenish any funds used in this manner on or before the date that state or local funds are received, or by the end of the first Implementation year, whichever occurs first.
- All funds replenished by the grantee within the required timeframe may be re-allocated to allowable expenditures by the end of the grant period.
- The CDE will issue an invoice for any funds that are allocated in this manner that are not replenished by the required timeframe. The grantee will be unable to recover any funds lost in this manner.
- The use of grant funds for prohibited personnel costs during the first Implementation year, and the replenishment of such funds will be monitored during the grant period.

### Authority

Authority for the use of grant funds in this capacity has been established by a letter from the ED in response to a number of waiver requests from the CDE, included in California's application for federal funding. California applied for a waiver request to permit the use of grant funds for personnel costs during the Planning phase and the first Implementation year of the grant period. An excerpt of the ED's response has been provided. Grantees are referred to as "CSP sub-grantees" and "sub-grantees" in the passage below:

The Secretary approves CDE's waiver request, in part, to permit CDE to allow its CSP sub-grantees to use CSP *implementation* funds for ongoing personnel salaries for the first operational year to cover expenses in the short term until sufficient state operational funds are received. The Secretary denies CDE's request for a waiver to permit its sub-grantees to use CSP *planning* funds for ongoing personnel salaries for the first operational year.

## **Appendix C: Revolving Grant Funds for Prohibited Personnel Costs (Page 2 of 2)**

The Secretary approves CDE's request for a waiver to allow CSP sub-grantees to use CSP implementation funds to cover ongoing personnel salaries for the first operational year, contingent on the following:

- CSP implementation funds may be used to cover ongoing personnel salaries during the first operational year *only* if state or local funds have been allocated for that purpose but are not immediately available;
- CSP sub-grantees must cease using CSP implementation funds to cover ongoing personnel salaries at the end of the first operational year or as soon as sufficient state or local funds allocated for that purpose become available, whichever is sooner;
- CSP sub-grantees must repay to the CSP sub-grant the full amount of implementation funds used for personnel salaries during the first operational year. Such funds must be repaid on or before the date the charter school receives State or local funds allocated for this purpose or the start of the school's second operational year. These repaid funds may then be used for allowable purposes under the grant.

With respect to personnel costs generally, it is important to note that some personnel expenses are allowable costs under the CSP. Specifically, personnel costs in the planning year that are associated with designing the educational program are allowed. Once the school opens, personnel costs are allowable provided staff paid by the grant are specifically working on issues related to the initial implementation of the charter school.

If a person is spending only part of his or her time on initial implementation issues, then only that portion of his salary that is attributable to the initial implementation of the charter school may be charged to the grant.

## Appendix D: Procurement

All grantees are required to develop and maintain a system for the administration of the procurement of goods and services acquired with federal funds. This requirement is provided for in the following passage from the Education Department General Administration Regulations (EDGAR), Part 80—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, Sub-part C (Post Award Requirements), Section 80.36 (Procurement) located at: <http://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html>.

Please note that PCSGP recipients are referred to as “sub-grantees” in the passage below:

### § 80.36 Procurement.

(b) *Procurement standards.* (1) Grantees and sub-grantees will use their own procurement procedures, which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in this section.

(2) Grantees and sub-grantees will maintain a contract administration system, which ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(3) Grantees and sub-grantees will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts.

### Purpose

The purpose of procurement regulations is to encourage best practices in the use of federal funds to acquire products and services, while maintaining the public’s trust. Best practices fulfill policy objectives while promoting transparency, accountability, effective management, and competition.

### Definition

Procurement refers to the practice of requisition, or the formal demand for goods and services. This includes but is not limited to the use of purchase orders, invoices, and the preparation of contracts, each of which is reviewed for approval at various levels of hierarchy within an agency.

Procurement does not include small purchases that typically would not be reviewed by any system of hierarchy for approval. However, the lack of an organized procurement



## **Appendix D: Procurement (Page 2 of 9)**

system does not exempt your organization from requirements tied to purchases that would otherwise be considered procurement.

The following is an example of procurement: a school purchases a large quantity of textbooks through the submission of a purchase order and subsequent receipt of an invoice, both of which are reviewed and approved by the school's Contracting Officer.

The following is not an example of procurement: an administrator uses a petty cash fund to purchase lunch for a group of teachers at a professional development seminar.

### **Requirements**

In order to comply with regulations, grantees must:

- Develop and maintain on-file, written standards for employee performance
- Develop and maintain on-file, procedures for protest and dispute resolution
- Understand and follow the Methods of Procurement, defined by EDGAR
- Understand and comply with Standard Procurement Procedures

If a grantee fails to comply with these requirements in procuring a good or service, the expense may be prohibited and the CDE may invoice the grantee for any funds allocated to the expense.

Each of these requirements will be described in detail, below.

### **Written Code of Standards for Employee Performance**

Written standards for employee performance should, at a minimum, address the criteria below (verification that a grantee has established these standards may be requested at any time by CDE staff):

No employee, officer, or agent of the grantee shall participate in selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- The employee, officer or agent,
- Any member of his or her immediate family,
- His or her partner, or
- An organization, which employs, or is about to employ any of the above has a financial or other interest in the firm selected for award.

## **Appendix D: Procurement (Page 3 of 9)**

The grantee's officers, employees, or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements. Grantees may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

To the extent permitted by state or local law or regulations, such standards of conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the grantee's officers, employees, or agents, or by contractors or their agents.

### **Procedures for Protests and Disputes**

Grantees must generate procedures to handle and resolve any disputes or protests related to procurements. These procedures do not relieve the grantee of any contractual responsibilities under the grantee's contracts.

The grantee shall disclose information regarding any protest that arises to the CDE. A protestor must exhaust all administrative remedies with the grantee and the CDE before pursuing a protest with the federal agency.

A federal agency will only review protests related to: violations of federal law (violations of the law will be referred to the local, state, or federal authority having proper jurisdiction), and violations of the grantee's protest procedures.

### **Methods of Procurement**

Every action of procurement must fall within one of four defined methods of procurement. The methods are:

- Small purchases
- Sealed bids
- Competitive proposals
- Noncompetitive proposals

Each will be described in greater detail, below.

For any method of procurement, time, and material type contracts are only permissible after determination and documentation that no other contract is suitable, and the contract must include a ceiling price that the contractor exceeds at its own risk.

### **Small Purchases**

Small purchases include any procurement that does not cost more than \$100,000. For all small purchases, the grantee is required to document price or rate quotations from an adequate number (the CDE recommends three) of qualified sources.

## **Appendix D: Procurement (Page 4 of 9)**

### **Sealed Bids**

An invitation for bids is prepared and is used to publicly solicit two or more known vendors or contractors. The invitation for bids must include a comprehensive description for the goods or services desired, and stipulate a time and place when all bids will be publicly opened. Potential bidders must be given sufficient time to prepare a response prior to the opening of bids.

A fixed-price written contract is awarded to the bidder whose bid is the lowest in price and meets all conditions of the invitation for bids. Any or all bids may be rejected if there is a sound, documented reason.

### **Competitive Proposals**

For any goods or services desired, a Request for Proposals (RFP) is drafted and publicized. The RFP must provide a comprehensive description of the goods or services desired, and must identify factors that will be used to evaluate any proposals that are received.

A standard method for evaluating proposals must be established and documented. An adequate number of proposals must be received and reviewed, and awards are made to the proposal that is most advantageous to the grantee, with price and other factors considered.

### **Noncompetitive Proposals**

A noncompetitive proposal is the solicitation of a proposal from only one source. Noncompetitive proposals may only be used after a grantee has solicited proposals from multiple sources, and has determined and documented that competition was inadequate. If a good or service is available only from a single source, this may also be documented to justify a noncompetitive proposal.

Grantees who are interested in using noncompetitive proposals may also submit a request through e-mail for CDE staff to review and authorize the proposal.

### **Standard Procurement Procedures**

For any procurement method used above, grantees should establish and adhere to a standard set of procedures for processing procurements. Any procedures established by the grantee must incorporate key items from federal regulations, which are summarized in the sections below. The sections include:

- Maintain Records

## **Appendix D: Procurement (Page 5 of 9)**

- Define the Goods and Services
- Pre-Bid/Proposal Review and Analysis
- Establish Criteria for Vendors/Contractors
  - Suspended and Debarred Parties
- Cost/Price Analysis during Bidding and Proposals
- Required Contract Provisions
  - Bonding Requirements for Construction of Facility Improvement

### **Maintain Records**

In addition to standards and policies, grantees are required to document specific actions for any procurement. These specific actions include, but may not be limited to:

- Rationale for the method of procurement
- Selection of contract type
- Selection or rejection of a contractor/vendor, and supporting rationale
- Basis for a contract price

To ensure compliance with regulations, it is best to document each of these actions as they occur within any given instance of procurement.

### **Define the Goods or Services**

When the need for a product or service is identified, the grantee will generate a clear and precise description of the good or service needed. The following conditions apply:

- The grantee must define minimum, essential characteristics of the goods or services required for those goods or services to satisfy their intended use.
- The grantee is not permitted to describe features that would unduly restrict competition.
- The grantee should avoid detailed product specifications whenever possible.
- If it is not feasible to make a clear description of the technical requirements, a “brand name or equal” description may be used as a means to define the function required by the good or service. Any specific features that must be met by the contractor/vendor will be clearly stated.
- The grantee will identify any other requirements, which the contractor/vendor must fulfill.

## **Appendix D: Procurement (Page 6 of 9)**

This description must be included in any request for proposals or bids, and should be documented for all procurements.

### **Pre-Bid/Proposal Review and Analysis**

Before a grantee may solicit bids or proposals, or make small purchases, the grantee must perform the following analysis for all procurements:

- Review proposed procurements to avoid unnecessary or duplicative items
- Provide consideration for consolidating or breaking out procurements to obtain a more economical purchase, except where breaking out procurements would bypass the small purchase threshold of \$100,000
- Analyze options for lease versus purchase where appropriate
- Conduct any other appropriate analysis to determine the most economical approach
- Generate and document independent estimates for the price of proposed procurements

### **Establish Criteria for Vendors/Contractors**

Before moving forward with small purchases, proposals, or bids, the grantee should establish criteria for potential contractors and vendors. This may include drafting a list of potential bidders in preparation of an invitation for bids. Contractors/Vendors should possess the ability to perform successfully under the terms and conditions of a proposed procurement. In drafting criteria, the grantee must consider the contractor/vendor's:

- Integrity
- Compliance with public policy
- Record of past performance
- Financial and technical capacity

Any list of potential contractors/vendors that is generated must be current, and include enough qualified sources to ensure maximum open and free competition. Grantees are prohibited from placing unreasonable requirements on potential contractors/vendors that would restrict full and open competition.

Qualified sources should also include small, minority, or women's business enterprises, or labor surplus area firms whenever possible. For more information on obligations regarding contracts with small, minority, or women's business enterprises, or labor surplus area firms, please see the relevant section below.

## **Appendix D: Procurement (Page 7 of 9)**

Qualified sources may include faith-based organizations. For more information on obligations regarding contracts with faith-based organization, please see the relevant section below.

### **Suspended and Debarred Parties**

Grantees may not solicit goods or services from any party that is debarred or suspended or is otherwise excluded from or ineligible for participation in federal assistance programs under Executive Order 12549, "Debarment and Suspension".

Grantees are required to vet any potential contractor or vendor for suspension or debarment before a contract is awarded or goods and services are exchanged. A list of suspended and debarred parties may be accessed through the Federal Excluded Parties List System Web site at <https://www.epls.gov/>.

### **Cost/Price Analysis during Bidding and Proposals**

Grantees are required to conduct cost or price analysis for every procurement action. The type and degree of analysis will vary depending on the situation; at a minimum, the following analyses are required:

- Grantees must make independent estimates before receiving bids or proposals for all types of procurement.
- A cost analysis must be performed when the potential contractor/vendor is required to submit the elements of his or her estimated cost, such as under an architectural engineering services contract.
- A cost analysis must be performed when adequate price competition is lacking, and for sole-source procurements (including noncompetitive proposals).
- A cost analysis must be performed for contract modifications or change orders, unless price reasonableness can be established on the basis of catalog or market price of a product sold in substantial quantities to the general public, or based on prices set by law or regulation.
- A price analysis will be used in all other instances to determine the reasonableness of the proposed contract price.

### **Required Contract Provisions**

All contracts funded by the grant must include the provisions listed below, if the indicated condition is applicable. Federal agencies are permitted to require changes,

## **Appendix D: Procurement (Page 8 of 9)**

remedies, changed conditions, access and records retention, suspension of work, and other clauses approved by the Office of Federal Procurement Policy.

- For time and material type contracts—A ceiling price that the contractor exceeds at its own risk.
- For all contracts—Notice of CDE requirements pertaining to reporting.
- For all contracts—Retention of all required records for three years after grantees make final payments and all other pending matters are closed.
- For all contracts—Access by the grantee, the CDE, the Federal Department of Education, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.
- For all contracts—Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).
- For contracts that exceed the simplified acquisition threshold of \$100,000—Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.
- For all contracts in excess of \$100,000—Compliance with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (42 U.S.C. 1857[h]), Section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15).
- For contracts in excess of \$10,000—Termination for cause and for convenience by the grantee including the manner by which it will be effected and the basis for settlement.

### **Contracting with Small and Minority Firms, Women's Business Enterprises, and Labor Surplus Area Firms**

Whenever possible, grantees will solicit goods and services from small, minority, or women's business enterprises, or labor surplus area firms. This may be accomplished by placing qualified small, minority, and women's business enterprises on solicitation lists, and soliciting those businesses whenever they are potential sources. The following conditions apply:

## **Appendix D: Procurement (Page 9 of 9)**

- Grantees must still comply with procurement procedures, including the use of appropriate bidding and selection processes and providing for ample competition as required by law.
- Although grantees should still give consideration to a vendor's technical and financial capacity, grantees should also divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small, minority and women's business enterprises. The grantee may not use this to bypass the small purchase threshold.
- It is permissible to document preference for small, minority, or women's business enterprises as justification for selecting a vendor or contractor that does not provide the lowest-cost goods or services.
- If subcontracts are to be let, grantees must require the prime contractor to take the affirmative steps listed above.

Grantees are encouraged to use the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce for assistance in seeking out small and minority businesses.

### **Contracting with Faith-Based Organizations**

Grantees are permitted to contract with faith-based organizations as they would with any other private organization. All appropriate procurement procedures must be followed. The following conditions apply:

- A faith-based organization that contracts with a grantee may retain its independence, autonomy, right of expression, religious character, and authority over its governance.
- In providing goods or services related to a PCSGP-funded contract, faith-based organizations may not discriminate against beneficiaries of those goods or services on the basis of religion or religious belief.
- Any inherently religious activities provided by the faith-based organization must be offered at a different time and location of any PCSGP-contracted goods or services. Beneficiaries of contracted goods or services may not be required to participate in any such inherently religious activities.



## Appendix E: Equipment and Supplies Standards

Public Charter Schools Grant Program (PCSGP) recipients must follow federal regulations when purchasing, using, and disposing of grant project equipment and supplies.

- “Equipment” is defined as tangible, non-expendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit.
- “Supplies” are defined as all tangible personal property other than equipment. (34 Code of Federal Regulations 80.3)

A requirement of the CDE’s PCSGP grant-monitoring program is to verify that the equipment, supplies, and related records of grant recipients are in compliance with federal regulations.

PCSGP recipients are “sub-grantees” for the purposes of these regulations.

### **34 Code of Federal Regulations 80.32**

- a. Title.** Subject to the obligations and conditions set forth in this section, title to equipment acquired under a grant or sub-grant will vest upon acquisition in the grantee or sub-grantee respectively.
- b. States.** A State will use, manage, and dispose of equipment acquired under a grant by the State in accordance with State laws and procedures. Other grantees and sub-grantees will follow paragraphs (c) through (e) of this section.
- c. Use.**
  1. Equipment shall be used by the grantee or sub-grantee in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by federal funds. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by a federal agency.
  2. The grantee or sub-grantee shall also make equipment available for use on other projects or programs currently or previously supported by the Federal Government, providing such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use shall be given to other programs or projects

## Appendix E: Equipment and Supplies Standards (Page 2 of 4)

supported by the awarding agency. User fees should be considered if appropriate.

3. Notwithstanding the encouragement in §80.25(a) to earn program income, the grantee or sub-grantee must not use equipment acquired with grant funds to provide services for a fee to compete unfairly with private companies that provide equivalent services, unless specifically permitted or contemplated by federal statute.
4. When acquiring replacement equipment, the grantee or sub-grantee may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property, subject to the approval of the awarding agency.

**d. Management requirements.** Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part with grant funds, until disposition takes place will, as a minimum, meet the following requirements:

1. Property records must be maintained that include a description of the property, a serial number or other identification number, the source of property, who holds title, the acquisition date, cost of the property, percentage of federal participation in the cost of the property, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.
2. A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.
3. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft shall be investigated.
4. Adequate maintenance procedures must be developed to keep the property in good condition.
5. If the grantee or sub-grantee is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

**e. Disposition.** When original or replacement equipment acquired under a grant or sub-grant is no longer needed for the original project or program or for other

## Appendix E: Equipment and Supplies Standards (Page 3 of 4)

activities currently or previously supported by a federal agency, disposition of the equipment will be made as follows:

1. Items of equipment with a current per-unit fair market value of less than \$5,000 may be retained, sold, or otherwise disposed of with no further obligation to the awarding agency.
  2. Items of equipment with a current per unit fair market value in excess of \$5,000 may be retained or sold and the awarding agency shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the equipment.
  3. In cases where a grantee or sub-grantee fails to take appropriate disposition actions, the awarding agency may direct the grantee or sub-grantee to take excess and disposition actions.
- f. Federal equipment.** In the event a grantee or sub-grantee is provided federally-owned equipment:
1. Title will remain vested in the Federal Government.
  2. Grantees or sub-grantees will manage the equipment in accordance with federal agency rules and procedures, and submit an annual inventory listing.
  3. When the equipment is no longer needed, the grantee or sub-grantee will request disposition instructions from the federal agency.
- g. Right to transfer title.** The federal awarding agency may reserve the right to transfer title to the Federal Government or a third party named by the awarding agency when such a third party is otherwise eligible under existing statutes. Such transfers shall be subject to the following standards:
1. The property shall be identified in the grant or otherwise made known to the grantee in writing.
  2. The federal awarding agency shall issue disposition instruction within 120 calendar days after the end of the federal support of the project for which it was acquired. If the federal awarding agency fails to issue disposition instructions within the 120 calendar-day period the grantee shall follow §80.32(e).

## **Appendix E: Equipment and Supplies Standards (Page 4 of 4)**

3. When title to equipment is transferred, the grantee shall be paid an amount calculated by applying the percentage of participation in the purchase to the current fair market value of the property.
- h. The provisions of paragraphs (c), (d), (e), and (g) of this section do not apply to disaster assistance under 20 *U.S.C.* 241–1(b)–(c) and the construction provisions of the Impact Aid Program, 20 *U.S.C.* 631–647.

### **34 Code of Federal Regulations 80.33**

- a. **Title.** Title to supplies acquired under a grant or sub-grant will vest, upon acquisition, in the grantee or sub-grantee respectively.
- b. **Disposition.** If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate fair market value upon termination or completion of the award, and if the supplies are not needed for any other federally sponsored programs or projects, the grantee or sub-grantee shall compensate the awarding agency for its share.

## **Appendix F: Financial Management Standards**

Public Charter Schools Grant Program (PCSGP) recipients are required to adhere to federal regulations when developing and using a financial management system to administer federal PCSGP funds. A requirement of the CDE's grant-monitoring program is to verify that the financial management systems of grant recipients are in compliance with federal regulations.

PCSGP recipients are "sub-grantees" for purposes of these regulations.

### **34 Code of Federal Regulations 80.20**

- a.** A State must expend and account for grant funds in accordance with state laws and procedures for expending and accounting for its own funds. Fiscal control and accounting procedures of the State, as well as its sub-grantees and cost-type contractors, must be sufficient to:
  - 1. Permit preparation of reports required by this part and the statutes authorizing the grant, and
  - 2. Permit the tracing of funds to a level of expenditures adequate to establish that such funds have not been used in violation of the restrictions and prohibitions of applicable statutes.
- b.** The financial management systems of other grantees and sub-grantees must meet the following standards:
  - 1. Financial reporting. Accurate, current, and complete disclosure of the financial results of financially assisted activities must be made in accordance with the financial reporting requirements of the grant or sub-grant.
  - 2. Accounting records. Grantees and sub-grantees must maintain records, which adequately identify the source and application of funds provided for financially-assisted activities. These records must contain information pertaining to grant or sub-grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income.
  - 3. Internal control. Effective control and accountability must be maintained for all grant and sub-grant cash, real and personal property, and other assets. Grantees and sub-grantees must adequately safeguard all such property and must assure that it is used solely for authorized purposes.

## **Appendix F: Financial Management Standards (Page 2 of 2)**

4. Budget control. Actual expenditures or outlays must be compared with budgeted amounts for each grant or sub-grant. Financial information must be related to performance or productivity data, including the development of unit cost information whenever appropriate or specifically required in the grant or sub-grant agreement. If unit cost data are required, estimates based on available documentation will be accepted whenever possible.
5. Allowable cost. Applicable OMB cost principles, agency program regulations, and the terms of grant and sub-grant agreements will be followed in determining the reasonableness, allowability, and allocability of costs.
6. Source documentation. Accounting records must be supported by such source documentation as cancelled checks, paid bills, payrolls, time and attendance records, contract and sub-grant award documents, etc.
7. Cash management. Procedures for minimizing the time elapsing between the transfer of funds from the U.S. Treasury and disbursement by grantees and sub-grantees must be followed whenever advance payment procedures are used. Grantees must establish reasonable procedures to ensure the receipt of reports on sub-grantees' cash balances and cash disbursements in sufficient time to enable them to prepare complete and accurate cash transactions reports to the awarding agency. When advances are made by letter-of-credit or electronic transfer of funds methods, the grantee must make drawdowns as close as possible to the time of making disbursements. Grantees must monitor cash drawdowns by their sub-grantees to assure that they conform substantially to the same standards of timing and amount as apply to advances to the grantees.

An awarding agency may review the adequacy of the financial management system of any applicant for financial assistance as part of a pre-award review or at any time subsequent to award

## **Appendix G: Public Charter School Grant Program (PCSGP) Resources**

### **General PCSGP Program Information**

General Program Information

<http://www.cde.ca.gov/sp/cs/re/pcsgp.asp>

PCSGP Funding Profile [placeholder until URL is final]

<http://www.cde.ca.gov/fg/fo/r1/pcsgp11rfa.asp>

### **Public Random Drawing**

Education Code Section 47605 (Public Random Drawing)

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=47001-48000&file=47605-47608>

### **Request For Application (RFA) Information**

PCSGP Request for Applications [placeholder until URL is final]

<http://www.cde.ca.gov/fg/fo/r1/documents/pcsgp11rfa.doc>

Required General Assurances

<http://www.cde.ca.gov/fg/fo/fm/generalassur2011.asp>

Required Certifications

<http://www.cde.ca.gov/fg/fo/fm/ff.asp>

Application Guidance [placeholder until URL is final]

<http://www.cde.ca.gov/sp/cs/as/pcsgp2010.asp>

Application Technical Assistance [placeholder until URL is final]

<http://www.cde.ca.gov/sp/cs/re/webconferences.asp>

### **Finance and Accounting**

Indirect Cost Rates

<http://www.cde.ca.gov/fg/ac/ic/>

California School Accounting Manual (CSAM)

<http://www.cde.ca.gov/fg/ac/sa/>

### **U.S. Department of Education (ED)**

Charter Schools Program State Educational Agency (SEA) Grant

<http://www2.ed.gov/programs/charter/index.html>

## **Appendix G: Public Charter School Grant Program (PCSGP) Resources (Page 2 of 2)**

Elementary & Secondary Education Act, part B – Public Charter Schools

<http://www2.ed.gov/policy/elsec/leg/esea02/pg62.html>

Education Department General Administrative Regulations (EDGAR)

<http://www2.ed.gov/policy/fund/reg/edgarReg/edgar.pdf>

Federal Grant Regulations

<http://www2.ed.gov/policy/fund/reg/edgarReg/edgar.pdf>

Non-Regulatory Guidance Handbook

<http://www2.ed.gov/programs/charter/nonregulatory-guidance.doc>

OMB Circular A-87 Cost Principles for State, Local, and Indian Tribal Government

[http://www.whitehouse.gov/omb/circulars\\_a087\\_2004/](http://www.whitehouse.gov/omb/circulars_a087_2004/)

OMB Circular A-122 Cost Principles for Non-Profit Organizations

[http://www.whitehouse.gov/omb/circulars\\_a122\\_2004/](http://www.whitehouse.gov/omb/circulars_a122_2004/)

Guidance Letter on Lottery Exemptions

<http://www2.ed.gov/programs/charter/2008-02-13.pdf>

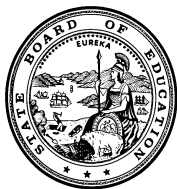




# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM 10**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### SUBJECT

Public Charter Schools Grant Program: Revision of the Public Charter Schools Grant Program Request for Applications.

- ☒ Action
- ☒ Information
- ☐ Public Hearing

#### SUMMARY OF THE ISSUE(S)

On August 18, 2010, the California Department of Education (CDE) was awarded approximately \$290 million to administer the federal Charter Schools Program (CSP) for a total award period of five years for the 2010–15 grant cycle. California's sub-grant program, the Public Charter Schools Grant Program (PCSGP), is administered by the CDE on behalf of the State Board of Education (SBE). The CDE distributes PCSGP funds to charter developers through an annual Request for Applications (RFA) process. The SBE has approved the RFA for this grant cycle, the intent of which has been approved by the United States Department of Education (ED). The CDE is proposing revisions to the current RFA that will provide clarification to eligible charter schools on the application requirements and scoring criteria and increase the approval success rate of submitted applications. A summary of the proposed changes is provided as Attachment 1 and a complete draft of the 2012–13 RFA is provided as Attachment 2. This item presents an update on the revisions to the RFA for the 2012–13 fiscal year.

The CDE anticipates that \$68.6 million of federal funds will be available for the 2012–13 grant process.

#### RECOMMENDATION

The CDE recommends that the SBE approve the revisions to the 2012–13 PCSGP RFA and direct the CDE, in consultation with the executive director of the SBE and/or the SBE liaisons, to perform all necessary actions required to finalize the RFA.

#### BRIEF HISTORY OF KEY ISSUES

##### PCSGP RFA

The goal of the PCSGP is to increase student achievement that leads to closing the achievement gaps through high-quality charter schools. To meet this goal, the objectives of the 2010–15 PCSGP are: (1) increase the number of high-quality charter schools in California; (2) strengthen charter school sustainability through capacity

building; (3) improve academic achievement of charter school students; and (4) disseminate best practices from high-quality charter schools.

The PCSGP is designed to increase financial support for the startup and expansion of charter schools, build a better national understanding of the public charter school model, and increase the number of high-quality public charter schools across the nation.

The CDE makes funding available annually as subgrants on a competitive basis to developers of charter schools. PCSGP funds are intended to incentivize developers to open high-quality charter schools in the attendance areas of the state's persistently lowest-performing schools, thereby offering choice and options to parents and students for a higher quality education to help California close achievement gaps. The PCSGP could potentially award over one hundred sub-grants to new charter schools in 2012–13 to assist with the costs of planning, opening, and operating high-quality charter schools in the state. Grant awards range from \$250,000 up to \$575,000 for a grant project period of up to 36 months.

During the 2010–11 fiscal year, the CDE received \$40.399 million for sub grant awards and provided PCSGP funds to 117 schools that were originally approved for grants during the 2007–10 grant period and to 30 new applicants. For the 2011–12 fiscal year, the CDE received \$46.952 million for sub grant awards and provided PCSGP funds to 30 of the 117 schools that were originally approved for grants during the 2007–10 grant period and to 61 new applicants (Table 1).

**Table 1. Public Charter Schools Grant Program Grant Award  
Notifications and Grants Awarded  
(Dollar Amounts Rounded in Millions)**

	<b>2010–11</b>	<b>2011–12</b>
Grant award amount received	\$40.399	\$46.952
Grants awarded, continuing schools	117	56
Grants awarded, new schools	30	61

The CDE is revising the RFA for the 2012–13 fiscal year for the purposes of clarifying grant scoring criteria and the application process, with the goal of ensuring increased and successful applications for funding. The estimated release of the RFA is scheduled for October 1, 2012.

### **CSP Evaluation Contract**

The Request for Proposals (RFP) for the Evaluation of California's PCSGP (PCSGP Evaluation) was approved by the SBE in 2011. However, there was a delay in finalizing the evaluation contract due to technical amendments required to complete the contract process and discussion with ED to extend the timeline so that the evaluation could incorporate data for charter schools that received PCSGP funding in the final year of the grant cycle. The CDE is working with ED staff to determine whether the PCSGP evaluation study will be for a two or three-year period and whether an extension will be incorporated into the contract.

## **SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

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At its July 2010 meeting, the SBE approved the 2010–15 PCSGP RFA and directed the CDE, in consultation with the executive director of the SBE and/or the SBE liaisons, to perform all necessary actions required, which would include making technical amendments to both the State Educational Agency (SEA) application and RFA, if necessary, and to finalize the RFA and the SEA application. The RFA was released to charter developers and charter schools in November 2010. Additional technical amendments were made to the RFA which was released in July 2011.

At its July 2011 meeting, the SBE approved the evaluation RFP and directed the CDE, in consultation with the executive director of the SBE and/or the SBE liaisons, to perform all actions required to finalize and post the RFP.

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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Approval of the 2012–13 RFA will allow CDE to continue the process of awarding \$265 million in PCSGP funds to charter developers over the remaining three years of the grant. Approximately \$14 million in administrative funds are available to the state for administering the PCSGP.

## **ATTACHMENT(S)**

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- |               |  |
|---------------|--|
| Attachment 1: | Summary of Revisions to 2012–13 Public Charter Schools Grant Program Request (2 Pages) |
| Attachment 2: | Draft 2012–13 Public Charter Schools Grant Program Request for Applications (75 Pages) |

## Summary of Revisions to 2012–13 Public Charter Schools Grant Program Request for Applications

This document outlines the significant changes and enhancements to the 2012–13 fiscal year Public Charter Schools Grant Program (PCSGP) request for application (RFA).

#	RFA Section	New RFA Page	Comment
1	Application Timeline	4	Changed to a table format. Changed the application period from multiple years to a single year to support changes, as necessary.
2	Eligibility	5	Provided clarification to the autonomy and public random drawing (PRD) sections. Added allowing submitted charter petitions that have yet to be approved – the charter must be approved before approved for funding
3	Length of Grant Award and Maximum Funding	8	Reduced the two-year funding level, base award amounts. Removed non-classroom based applicants from two-year and three-year higher grant award eligibility.
4	Program Accountability and Monitoring	10	Streamlined information to provide concise critical information.
5	Payments	15	Added a payments section to clarify applicant payment expectations.
6	Application Requirements (general)	16	Moved the application from an online submission to a paper based process. Re-structured and re-worded the requirements to align with the revised application. Reduced the application to a prompt-based summary narrative format. The application consists of a form for each section.
7	Charter School Work Plan/Activities	20	Restructured the work plan. Changed the work plan to a prompt-based summary narrative requirement to ease reporting and review/monitoring.
8	Budget Summary and Narrative	20	Restructured the budget. Changed the budget to a table-based summary narrative requirement to ease reporting and review/monitoring.
9	Application review and Sub-grant Award Process	21	Clarified the processes for initial completeness and PRD/Autonomy screening, notification of necessary changes to continue processing, and peer review.
10	Scoring Criteria	22	Clarified scoring. Changed to allow scores of “2” to be approved.
11	Submission of Applications	23	Changed from an electronic online submission to the standard RFA submission process – paper copies and an electronic copy submitted to the CDE.

#	RFA Section	New RFA Page	Comment
12	PCSGP Application Checklist	25	Added a checklist to assist applicants provide a complete submission.
13	PCSGP Form 1 – Application Cover Sheet	26	Changed from an online submission to a paper-based submission.
14	PCSGP Forms 2 and 3 – Narrative Response	28-29	Changed from an online submission to a paper-based submission. Applicants are provided prompts and required to submit narrative responses. Narrative responses are now separate from budget items, but remain aligned.
15	PCSGP Forms 5 and 6 – Budget Instructions	31-32	Changed from an online submission to a paper-based submission. Applicants are provided table-based prompts and required to submit narrative responses. The structure reduces the amount of work for applicants, reviewers, and monitors.
16	PCSGP Form 7 – Charter School Work Plan/Activities	33	Changed from an online submission to a paper-based submission. Changed to a summary narrative format to reduce the amount of work for applicants, reviewers, and monitors.
17	PCSGP Form 9 – General Assurances and Certifications	37	Changed requiring sub-grantees to print and maintain local copies for monitoring purposes.
18	PCSGP Form 10 – Specific Assurances	38	As a condition of this grant, added assurances 8-20 to set grantee expectations to maintain specific required information, participate in state testing required by law, cooperate with monitoring and audit activities, adhere to NCLB “highly-qualified teacher” standards for core academics, and report minimum enrollment numbers by specific benchmarks.
19	Appendix A: PCSGP Rubric	41	Changed to allow scores of “2” to be approved. Provided greater transparency in rubric expectations for scores 1 through 4. Added not-scored, adequate/inadequate criteria to the narrative responses for where the school is located and the work plan.
20	Appendix B: Definitions of PCSGP Terms	52	Modified select term definitions, and added new definitions not previously defined in the RFA.
21	Appendix G: PCSGP Resources	74	Added a reference section to provide applicants with helpful internet links to supporting related documentation.

## **California Department of Education**

### **Request for Applications Public Charter Schools Grant Program 2012–13**

#### **Planning and Implementation Grants**



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## Timeline

A number of important dates are identified below to apply for 2012–13 Public Charter Schools Grant Program (PCSGP) funds. PCSGP grant effective dates are from August 1, 2012 through September 30, 2013.

Important Events	Dates
Post draft RFA on the California Department of Education (CDE) Web site	<b>September 7, 2012</b>
Present RFA at the SBE meeting for approval	<b>September 13, 2012</b>
Post Final RFA to CDE Web site	<b>September 14, 2012</b> (pending SBE approval)
Provide Technical Assistance Webinar (PCSGP staff)	<b>September 19, 2012</b>
PCSGP application due date	<b>October 12, 2012</b>
Conduct peer review to evaluate and score applications	<b>November 14–16, 2012</b>
Notify awardees of their approval and post results to the CDE Web site (PCSGP staff)	<b>November 26, 2012</b>
Issue Grant Award Notification (GAN) to grantees. Grantees must sign and return the GAN (approximately 1-2 weeks)	<b>December 10, 2012</b> (tentative)
Schedule first payments (PCSGP staff)	Approximately 3-6 weeks upon CDE receipt of signed GANs

## General Information

### A. Introduction

The Federal Public Charter Schools Grant Program is a sub-grant program funded by the Charter Schools Program (CSP), authorized by 20 *U.S. Code* sections 7221–7221j, and administered by the U.S. Department of Education (ED). The Public Charter Schools Grant Program (PCSGP) is a discretionary grant program. California was awarded approximately \$300 million in grant funds for 2010–2015. States that are awarded these federal funds distribute them in sub-grants to charter school developers to assist in the development and initial operations of newly established or conversion charter schools to develop high quality and high performing charter schools.

Hereafter, the term California Department of Education (CDE) refers to the CDE operating under the policy direction of the State Board of Education (SBE). The CDE will award PCSGP Planning and Implementation (P/I) grants each year through fiscal year (FY) 2014–15, pending annual allocations from the ED. These sub-grants are used for planning, program design, and initial implementation of a charter school.

### B. Eligibility

A newly established or conversion charter school may apply for a P/I grant. If open, the school must not have been serving students for more than one school year at the time of application. (See Appendix B for definition of “newly established charter school”.)

An applicant must be a nonprofit entity or LEA. Non-profit status at the time of submission of the application will be verified with the California Secretary of State. Individuals and for-profit entities may not apply for P/I grants.

An applicant may also be a developer that has applied to an authorized public chartering authority to operate a charter school, but has not been approved. In order to be eligible to apply for the PCSGP funds, a developer must submit the charter petition to an authorized public chartering authority by October 12, 2012, and must receive approval by the end of the fiscal year of this grant cycle (FY 2012-13), June 30, 2013. If the charter is pending approval, the PCSGP application will be reviewed and scored during this grant award cycle. However, the applicant must have an approved charter from the district or county office of education where the school will be located or the SBE before a grant may be approved for funding.

Conversion schools that receive Title I School Improvement Grant (SIG) funds are **not** eligible for the PCSGP grant.

Prior PCSGP sub-grant award—If an applicant has previously received PCSGP funds to develop a charter school, all requirements of that previous grant must have been met or be in the process of being met. If an applicant previously received PCSGP funds for the planning and/or initial operation of an SBE-numbered charter school, it must have the same number of open and operating charter schools as the number of PCSGP grants received previously.

To qualify for a P/I sub-grant, a charter school must have enrollment of at least 50 students at one point in time within the first calendar year of operation based on the effective date the charter school is open and available to serve students AND enrollment of at least 100 students at one point in time within two calendar years of operation based on the effective date the charter school is open and available to serve students.

### **C. Autonomy**

Autonomy is a requirement of the PCSGP and **all** of the following conditions must be met:

- The charter school must be highly autonomous: Under the ED the CSP program defines a highly autonomous charter school as one that exhibits a high degree of autonomy in governance, operations, staffing, and financial decisions. PCSGP applicants must demonstrate a high degree of autonomy in the application.
- Reviewers use specific criteria to assess each charter school's degree of autonomy. These criteria include, but are not limited to, the following:
  - A. Governance structure (i.e., governing board or entity as described in the school's approved charter):
    1. Is elected or appointed independently of the chartering authority.
    2. Includes less than a majority of the current employees or appointees of the chartering authority.
    3. Operates as and/or is operated by a nonprofit public benefit corporation.
  - B. Operations: The charter school governing board or entity as described in the school's approved charter maintains control over a majority of its operations (i.e., professional development, school year calendar,

disciplinary policies and procedures, curriculum, graduation requirements, etc.).

**C. Staffing:**

1. Teachers and staff are employees of the charter school.
2. The charter school retains a majority of decision-making authority over all hiring, dismissal, work rule, employee assignment, and other personnel decisions and actions.
3. The charter school governing board or entity as described in the school's approved charter has adopted its own employment policies and procedures.

**D. Financial Decisions:** the charter school governing board or entity as described in the school's approved charter exhibits control over the development and adoption of the charter school's budget, the receipt and expenditure of funds, business management ("back-office") services, audit services, purchasing and contracting decisions, and other financial matters in general.

**D. Public Random Drawing and Lottery**

The applicant's approved charter must comply with applicable public random drawing (lottery) laws: For locally and SBE authorized charter schools:

*California Education Code (EC) Section 47605(d)(2)(A)*—A charter school shall admit all pupils who wish to attend the school; and

*EC Section 47605(d)(2)(B)*—However, if the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided for in *EC Section 47614.5*. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.

For charter schools authorized as a countywide benefit charter:

*EC Section 47605.6(e)(2)(A)*—A charter school shall admit all pupils who wish to attend the school; and

*EC* Section 47605.6(e)(2)(B)—However, if the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the county except as provided for in *EC* Section 47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.

## **Funding Priority and Funding Levels**

### **A. Funding Priority**

There may not be sufficient funding to serve all eligible applicants. Therefore, this application process is highly competitive. Applications will be screened by CDE staff for completeness and compliance with autonomy and public random drawing requirements. Applications will then be scored by a peer review process to determine if they receive a fundable score. An application that receives a "1" in any required element will not be considered for funding. Additional information on scoring criteria is provided on page 21. A funding priority based on overall score, in descending order, will be applied if insufficient funds are available to fund all applications that receive a qualifying score.

The CDE will only consider awarding funds to those applications that submit a comprehensive and viable application likely to improve student academic achievement. If insufficient funds are available to fund all successful applications the CDE may consider other factors such as geographic distribution, school size, and grade level distribution.

### **B. Length of Sub-grant Award and Maximum Funding Level**

The sub-grant period is broken down into two phases: the planning phase, not to exceed 18 months, and the implementation phase, not to exceed 24 months. However, the duration of the grant period cannot exceed 36 months; if the planning phase exceeds 12 months in duration, then the implementation phase will be shortened by a commensurate number of months.

The planning phase ends on the day prior to the first day of instruction (including summer school programs). Once the school begins serving students, the sub-grantee will enter the implementation phase. Schools that fit this timeline may be awarded a "three-year grant".

If the sub-grant recipient's school is operational when the sub-grant is awarded, then the sub-grant immediately enters its 24-month implementation phase. The school would be awarded a "two-year grant", and will not have a planning phase.

P/I sub-grant awards made in the 2012–2013 cycle cannot be placed into inactive status. Interruptions in the grant period may warrant termination of the sub-grant award. For example, if a school is unable to open due to the inability to secure facilities by the close of its planning phase, the sub-grant for the school will be terminated.

The total funding level for the sub-grant is the same; schools receiving a two-year grant do not receive less funding than schools receiving a three-year grant. The per-phase allocations for each sub-grant may be different. Any unspent funds from a previous phase can be carried over to the subsequent phase, but all sub-grant funds must be spent by the end of the grant period.

### **Implementation (Two-Year) Funding Level**

The following funding level applies to new or conversion, classroom based or non-classroom based charters that are in operation on the date the sub-grant award begins. There is no planning phase.

#### **Two-Year Funding Level, Base Award Amount**

Type of School	Implementation Year 1 Allocation	Implementation Year 2 Allocation	Total Funds Awarded
Non-Classroom Based	\$162,500	\$87,500	\$250,000
Classroom Based	\$225,000	\$150,000	\$375,000

### **Planning and Implementation (Three-Year) Funding Level**

The following funding model applies to new or conversion, classroom based or non-classroom based charters that are not in operation on the date the sub-grant award begins. The planning phase ends when the school begins serving students.

#### **Three-Year Funding Level, Base Award Amount**

Type of School	Planning Allocation (if applicable)	Implementation Year 1 Allocation	Implementation Year 2 Allocation	Total Funds Awarded
Non-Classroom Based	\$75,000	\$100,000	\$75,000	\$250,000
Classroom Based	\$175,000	\$100,000	\$100,000	\$375,000

## Eligibility for Higher Sub-Grant Award

A higher sub-grant award may be awarded if the applicant's school has not been awarded Title I School Improvement Grant (SIG) funding and meets one of the following criteria:

- Applicant's school is located, or a majority of the students served by the applicant's school reside in an attendance area of a school that has been determined to be persistently lowest achieving, or eligible for Title 1 SIG funding.

Or

- Applicant's school is located, or a majority of the students served by the applicant's school reside in an attendance area of a school that is in Program Improvement (PI) Year 3, 4, or 5, and has an Academic Performance Index (API) decile rank of 1 or 2.

Applicant's school may be a conversion or classroom-based school. Non-classroom based charter schools are not eligible to receive the higher sub-grant award

The following two-year and three-year funding level applies to schools approved for a higher sub-grant award amount.

### Two-Year Funding Level, Higher Sub-Grant Award Amount

Type of School	Year 1 Allocation	Year 2 Allocation	Total Funds Awarded
Classroom Based	\$325,000	\$250,000	\$575,000

### Three-Year Funding Level, Higher Sub-Grant Award Amount

Type of School	Planning Allocation	Year 1 Allocation	Year 2 Allocation	Total Funds Awarded
Classroom Based	\$225,000	\$200,000	\$150,000	\$575,000

## Program Accountability and Monitoring

The CDE is responsible for monitoring PCSGP implementation in accordance with the following program accountability requirements:



1. Each applicant receiving funding through this RFA meets the eligibility requirements for the sub-grant described herein, and the applicant has provided all required assurances that it will comply with all program implementation and reporting requirements established through this RFA.
2. Each applicant receiving funding through this RFA appropriately uses these funds described in this application.
3. Each applicant implements activities funded through this application within the timeline in which the funds provided are to be used.

To fulfill its monitoring responsibilities, the CDE will require funded applicants to submit appropriate fiscal and program documentation. In addition, representatives of the state may conduct site visits to a selected representative sample of funded applicants. The purpose of these visits would be to validate information submitted by applicants and gather additional information from interviews and observations for technical assistance, monitoring, and evaluation purposes.

Applicants awarded PCSGP funds must satisfy periodic reporting and accountability requirements throughout the term of the sub-grant. These requirements address: (A) program accountability; (B) fiscal reporting requirements; (C) performance reporting; (D) comprehensive annual reports; (E) annual budget; (F) monitoring; and (G) program evaluation.

#### **A. Program Accountability**

Each identified sub-grant is responsible for carrying out its responsibilities in accordance with ESEA Title V Part B sections 5201–5211, available at <http://www2.ed.gov/policy/elsec/leg/esea02/pg62.html> and its approved sub-grant application and work plan. Sub-grantees must also file periodic reports with the CDE to report on the use of grant funds or the progress of proposed sub-grant activities.

#### **B. Fiscal Reporting Requirements**

Sub-grantees must submit quarterly expenditure reports to the CDE for the duration of their sub-grant award. The sub-grantee is responsible for ensuring that reports are accurate, complete, and submitted on time.

**Fiscal Reporting Due Dates:**

<b>Quarter</b>	<b>Reporting Period</b>	<b>Report Due Date</b>
1	July 1 – September 30	October 31
2	October 1 – December 31	January 31
3	January 1 – March 31	April 30
4	April 1 – June 30	July 31

**C. Performance Reporting Requirements**

Quarterly benchmark reports must be submitted along with quarterly expenditure reports. The sub-grantee is responsible for ensuring that reports are accurate, complete, and submitted on time.

**D. Comprehensive Annual Reports**

A comprehensive annual report must be submitted to the CDE no later than April 15 for each subsequent year of the grant. Performance data that will be collected include, but are not limited to:

- The percentage of fourth-grade charter school students who are achieving at or above the proficient level on State examinations in mathematics
- The percentage of fourth-grade charter school students who are achieving at or above the proficient level on State examinations in reading
- The percentage of eighth-grade charter school students who are achieving at or above the proficient level on State examinations in mathematics
- The percentage of eighth-grade charter school students who are achieving at or above the proficient level on State examinations in reading
- Fiscal health, as measured by: (1) adequate reserves and ending balances; (2) evidence of sound planning and adequate funding to support long-term goals; and (3) budgets that reflect school priorities, which include student academic outcomes
- Year-to-year student retention rates

## **E. Annual Budget**

An annual budget of projected expenditures to be funded by the grant must be submitted during the application process. The annual budget must be submitted to the CDE no later than July 1 for each subsequent year of the grant.

## **F. Monitoring**

The CDE will monitor sub-grantees by reviewing and approving quarterly and/or annual monitoring reports, and the CDE may conduct site visits, contingent on travel restrictions and the availability of funds. All information in monitoring reports is subject to verification. If selected as part of a site visit sample, applicants must agree to site visits by state representatives. The site visit is intended to validate information provided in fiscal and program reports and gather more detailed information on implementation efforts and challenges. The CDE may require additional information from the sub-grantee, verify information with the authorizing agency, require the submission of additional documentation including but not limited to invoices, receipts, personnel time, and efforts reports. Prior to a site visit, the sub-grantee may be required to submit additional relevant information that will allow the CDE to conduct a useful, efficient, and effective visit. The CDE may require electronic submission of documents instead of hardcopy submission.

CDE staff will verify the contents of documentation submitted. The sub-grantee will be asked to revise their report when: non-allowable expenses are found; the report is confusing or difficult to understand; or there are unexplained discrepancies between the proposed use of grant funds, as provided in the annual budget, and actual expenditures found in the submitted documentation.

## **G. Program Evaluation**

### **External Review**

A rigorous process of review by a third party external reviewer, not affiliated with the charter school's authorizing entity, or any member of the charter school's governing board, faculty, or staff, is required of all sub-grantees' schools by the end of the grant period. A copy of the report must be submitted to the CDE and a copy must be kept on file at the school site.

If a sub-grantee fails to conduct the external review before the end of the grant period or if any items in the review are less than satisfactory, the CDE may invoice the sub-

grantee for a base amount of 10 percent of the total sub-grant award, up to the total amount of the Implementation Year 2 funds.

### **CDE External Review**

The CDE is required to contract for an external evaluation of the PCSGP. Sub-grantees are required to comply with any requests by the ED or contractor, including but not limited to organizing site visits, scheduling interviews, and completing surveys.

### **H. Webinars and Conference Calls**

Sub-grantees are required to participate in any webinars and conference calls that the CDE may conduct related to completing and filing reports or other requirements of the PCSGP.

## **Fiscal Operations**

Sub-grantees may only use sub-grant funds for allowable sub-grant expenditures during the grant period. Any unspent funds remaining at the end of the grant period must be returned to the CDE.

### **A. Use of Funds**

PCSGP funding shall be used to support school improvement efforts by eligible charter schools funded by this sub-grant process. Sub-grant funds may be used for staff salaries, materials, services, training, equipment, supplies, evaluation, facilities, or other purposes, except as specifically limited by all applicable legal requirements including all regulations or statutes or by the State Education Agency (SEA). Each eligible charter school that receives an award may use the funds to carry out activities that advance the PCSGP sub-grant priorities. Sub-grantees may only use sub-grant funds for their intended purposes.

The PCSGP funds must supplement, not supplant, existing services and may not be used to supplant federal, state, local, or nonfederal funds. Programs may not use PCSGP funds to pay for existing levels of service funded from any other source. PCSGP funds may not be used for new construction, most transportation, class size reduction, or purchases that do not directly support the approved work plan.

Refer to the Federal Charter Schools Program Nonregulatory Guidance, <http://www2.ed.gov/programs/charter/nonregulatory-guidance.html> for further information on allowable use of PCSGP funds.

The PCSGP is federally funded and applicants must adhere to all applicable federal laws and regulations. General guidance regarding allowable expenses for federal grant funds may be found in Office of Management and Budget (OMB) Circulars:

- A-87: Principles for determining costs of grants with state and local governments. This document may be accessed through the following link: [http://www.whitehouse.gov/omb/circulars\\_a087\\_2004/](http://www.whitehouse.gov/omb/circulars_a087_2004/).
- A-122: Principles for determining costs of grants with non-profit organizations. This document may be accessed through the following link: [http://www.whitehouse.gov/omb/circulars\\_a122\\_2004/](http://www.whitehouse.gov/omb/circulars_a122_2004/).

It is prohibited to use federal grant funds for fundraising, civil defense, legal claims against the state or federal government, and contingencies.

Refer to Form 8 for California Account Codes. For a detailed description of these expenditure classifications, refer to the *California School Accounting Manual*, 2011 Edition. Visit the CDE Accounting Web page at <http://www.cde.ca.gov/fg/ac/sa/> for viewing and downloading information.

## **B. Payments to Sub-grantees**

The CDE will issue payments in five increments as follows:

- The first payment: 22.5 percent of the annual sub-grant allocation, plus all expenses already incurred, after the CDE receives the signed Grant Award Notification (GAN) letter (AO-400).
- Subsequent payments will be made quarterly in amounts that equal 22.5 percent of the annual allocation, plus expenses already incurred to date, upon verification that quarterly reports have been submitted to the CDE by the sub-grantee.
- No payments will be made in excess of the sub-grant award. Ten percent will be withheld until approval of the final year-end expenditure report.

## **Termination of Funding**

Funding may be terminated if there is evidence of fraud or fiscal irregularity in the use of funds for their intended purpose.

## **Application Requirements**

Applicants responding to this RFA must submit a complete application packet, including a complete response to all narrative elements described in this RFA, required forms, and all original signatures required as noted on each application form. The application must be in Microsoft Word 2003 or later, single spaced, and 12-point Arial font using **one-inch** margins.

### **A. Narrative Response Requirements–Part 1 (PCSGP Form 2–Required)**

(15 Page Limit Total)

Applicants applying for the 2012–13 PCSGP funds must complete PCSGP Form 2–Narrative Response *Part 1*. When responding to the narrative elements, applicants should provide a thorough response that addresses **all** requirements of each element, if applicable. The CDE has provided a rubric that describes expectations for applicant responses to each narrative element and other requirements of the application. This rubric is included as Appendix A of this RFA. Applicants are advised to use the rubric as a guide in preparing their applications. The rubric will also be used as a guide for reviewers during the application review and peer review and scoring process. An application that receives a rating of "1" on any required area will not be recommended for funding. The seven narrative elements are described below.

#### **1. Educational Program (Required Element)**

The applicant must describe the educational program to be implemented in the proposed charter. This description must address the following:

- How the program will enable all students to meet challenging State student academic achievement standards
- The grade level or ages of children to be served and expected student population's demographics
- The goals and objectives of the charter school, and the methods by which the charter school will determine its progress toward achieving those goals and objectives

- A plan to develop teacher effectiveness measures that include student achievement data as a substantial portion of the teacher evaluation
- The curriculum and instructional practices to be used
- Strategies to assess and evaluate impact on student achievement, and manage continuous instructional improvement

## **2. Charter School Management Plan (Required Element)**

The applicant must describe how the charter school will be managed. This description must address the following:

- A description of the administrative relationship between the charter school and the authorized public chartering agency
- A description of the use of data driven decision making to inform instruction and evaluations

## **3. Community and Parent Involvement (Required Element)**

The applicant must describe the level of community and parent support. The description must include the following:

- How parents and other members of the community will be involved in the planning, program design, and implementation of the charter school
- The process followed by the school to ensure ongoing parental involvement

## **4. Sustainability and Alignment of Resources (Required Element)**

The applicant must describe a sustainability plan and a description of other funding resources. This description must address the following:

- A description of how the charter school will provide for continued operation of the school once the federal grant has expired
- A description of how sub-grant funds will be used in conjunction with other federal programs

## **5. Targeted Capacity Building Activities (If Applicable)**

Applicants are required to devote a portion of the sub-grant funds to targeted capacity building activities with the exception of successful charter management organizations or

applicants that can demonstrate that they have already engaged in this activity prior to the grant application.

The applicant must either A) describe how the requirements of this section have already been met; or B) describe how the charter school will use a portion of their P/I funds to target capacity building activities in an effort to increase the likelihood that new charter schools will gain greater sustainability through such activities. Targeted capacity building areas include, but are not limited to:

- Building and sustaining data systems that measure student success and inform teachers and principals in how they can improve their practices
- Opportunities for teachers to plan, and engage in professional development within and across grades and subjects
- Instructional development and improvement systems with periodic reviews to ensure that the curriculum is being implemented with fidelity, and is having the intended impact on student achievement, and is modified if ineffective
- Instructional improvement systems for technology-based tools and other strategies that provide teachers, principals, and administrators with meaningful support and actionable data to systemically manage continuous instructional improvement
- Leadership and Governance to overcome initial start-up challenges and establish a thriving, financially viable charter school. Must include governance and fiscal management training in the first year of operation
- Business and personnel services
- Strategic planning

## **6. Autonomy (Required Element)**

The applicant must describe the flexibility and level of autonomy the school has from the authorizer over budget, expenditures, personnel, and daily operations.

## **7. Notification and Admissions (Required Element)**

The applicant must describe the notification and admission process. This description must address the following:

- A description of how students in the community will be informed about the charter school and given an equal opportunity to attend the charter school



- A description of the admission, and public random drawing process if the number of pupils exceeds the school's capacity. Refer to *EC* Section 47605(d)

## **B. Narrative Response Requirements–Part 2 (PCSGP Form 3–If applicable)**

(4 Page Limit Total)

The applicant must respond to the following two narrative responses, if applicable, using PCSGP Form 3. These two responses will not be scored or included in the peer review process.

### **1. Compliance with Individuals with Disabilities Education Act (IDEA) (If applicable)**

If the charter school is considered a local educational agency (refer to EC sections 47640-47647), the applicant must describe how the charter school will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act.

### **2. Eligibility for Higher Sub-Grant Award (If applicable)**

If the applicant is eligible for and requesting a higher sub-grant award, the applicant must describe how the charter school meets the criteria for a higher sub-grant award, which is:

- Applicant's school is located, or a majority of the students served by the applicant's school reside in an attendance area of a school that has been determined to be persistently lowest achieving, or eligible for Title 1 SIG funding.

**Or**

- Applicant's school is located, or a majority of the students served by the applicant's school reside in an attendance area of a school that is in PI Year 3, 4, or 5, and has an API decile rank of 1 or 2.

In the description, the applicant must provide the distance, in miles, between the school and the traditional (non-charter) school identified above; how the school is of reasonable distance to recruit students from the selected traditional (non-charter) school; and the charter school serves at least one grade level as the selected traditional (non-charter) school.

### **C. Charter School Work Plan/Activities (PCSGP Form 7–Required)**

All applicants applying for the 2012–13 PCSGP funds must complete a PCSGP Work Plan/Activities (Work Plan). The applicant must include actions/activities that align to and support the implementation of each of the seven narrative elements of the grant application as described on Form 2. Each activity must include a timeline with specific start and end dates, the individual position or person, if known, who will be responsible for oversight and monitoring, and the type of evidence that will be submitted to the CDE, upon request, to verify implementation. The activities identified in the Work Plan will be used in the monitoring of the charter school's progress in planning and implementation of the charter school using PCSGP funding. The Work Plan includes the following elements:

1. Educational Program
2. Charter Management Plan
3. Community and Parent Involvement
4. Sustainability and Alignment of Resources
5. Targeted Capacity Building Activities (if applicable)
6. Autonomy
7. Notification and Admissions

There is a **15 Page Limit** Total for this section.

### **D. Budget Summary and Narrative (PCSGP Forms 5 and 6–Required)**

The applicant must include a Budget Summary (PCSGP Form 5) and Budget Narrative (PCSGP Form 6) for all years of the grant. All P/I sub-grant funds requested must be budgeted in the budget summary and narrative.

Funding amounts will reflect the applicants funding level as determined by the type of school and whether the applicant is eligible for a higher sub-grant award. An applicant's budget total may not exceed the maximum award.

#### **Budget Criteria:**

- The applicant's projected budget summary is complete, expenditures are accurately classified by object code, the full term of the sub-grant is covered, and totals by year are provided.
- The applicant's projected budget narrative includes detailed information to describe activities and costs associated with each object code. Budget items accurately reflect the actual cost of implementing the objective.

- The budget summary and narrative are clearly aligned and, taken together, fully describe appropriate expenditures of funds in all categories that are clearly sufficient to support the design and implementation of proposed activities.

**Important:**

- The budget summary and narrative forms must address all years of the sub-grant (two or three years).
- The budget summary and narrative forms may not be modified and broken down further than the object codes provided (e.g., 1000, 2000, 3000, etc.).
- The budget summary and narrative forms must include totals by object code series, year, and entire term of the sub-grant.

## **Application Review and Scoring Process**

### **A. Application Review and Sub-grant Award Process**

After the application has been submitted, CDE staff will screen the application to verify that the application is complete.

A review of the public random drawing policy and autonomy will be completed prior to the peer review process. Any application that does not meet the following criteria will not be forwarded on for the peer review process.

**Public Random Drawing (PRD)**—Application is compliant as defined in state law: 1) Preference given to Existing Students; 2) Preference given to Pupils who reside in the district area for a locally or SBE authorized charter, or county area for a countywide benefit charter; and then 3) Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law; and

**Autonomy**—School meets criteria as described in this RFA on page 6.

If either component is deficient or non-compliant, CDE staff will notify the applicant in writing, provide instructions to remedy any issues with the application, and set a limited deadline for when revisions must be submitted for the application to be considered. If the application successfully passes screening, it will then be reviewed and scored via a peer review process.

## **B. Peer Review**

Federal law (ESEA, Title V, Part B, Section 5204) requires a peer review of PCSGP applications. California recruits national and state charter school developers, governing board members, operators, and authorizers to participate in this process. Reviewers are required to recuse themselves from the evaluation of any application for which they have a perceived or real conflict of interest. Each application will be independently reviewed and scored by two peer reviewers.

## **C. Scoring Criteria**

Each element of the narrative response will be scored using a 4-point rubric. A score of 4, 3, or 2 is required for every element in order for the application to be approved. A score of "1" in any area will result in the application being denied. Peer reviewers will examine and score eligible applications with respect to the following:

- Educational Program
- Charter Management Plan
- Community and Parent Involvement
- Sustainability and Alignment of Resources
- Targeted Capacity Building Activities (If applicable)
- Autonomy
- Notification and Admissions

The Charter School Work Plan/Activity chart (Form 7) must include actions/activities associated with each narrative response element that align and support the full implementation of the proposed plan. The actions/activities identified must be specific and include specific timelines with start and end dates, a designated position or person responsible, and a description of the type of evidence that will be submitted to the CDE, upon request, to verify implementation. Additional instructions for completing the PCSGP Charter Work Plan/Activity chart are provided on page 19 and PCSGP Form 7 of this RFA.

## **D. Approval Process**

Scores for the narrative response will be provided by peer reviewers. When recommending sub-grant applications for funding, the CDE will recommend funding those applications that fully comply with all requirements described in this RFA. The CDE will only consider awarding funds to those applicants that develop and submit a comprehensive and viable application.

Applicants are advised to refer to the PCSGP Rubric for further guidance on developing an appropriate response. If any of the required narrative areas receives a score of "1", that application will not be recommended for funding.

Once the review and scoring process is complete CDE staff will notify the applicant of approval or denial, and will provide additional instructions.

### **E. Sub-grant Award Notification**

The GAN is a legally binding document between the CDE and the sub-grantee. Upon notice of award, sub-grantees must return the GAN with the original signature of the designated primary applicant—the president of the board of directors of the nonprofit entity or an executive officer.

### **F. Appeal Process**

If an application is not approved, applicants may request to appeal within 30 calendar days following receipt of the letter of denial. The request for appeal must clearly identify a violation that the application review process failed to follow a state or federal statute or regulation in not approving the sub-grant application or that the funds awarded were not in accordance with the requirements of statutes and regulations, or to comply with California's approved 2010–2015 CSP application.

A request to appeal the denial of a sub-grant award should be addressed to:

Public Charter Schools Grant Program  
Charter Schools Division  
California Department of Education  
1430 N Street, Suite 5401  
Sacramento, CA 95814-5901

### **Submission of Applications**

Applicants responding to this RFA must submit a complete application packet and provide all original signatures required, as noted on each application form. Applications must be submitted with all forms compiled in the order listed on the Application Checklist provided on page 24 of this RFA.

Applicants must submit an original, three hard copies, and one electronic (e-mail or on a disk) Microsoft Word 2003 or later copy (all single spaced in 12 point Arial font using one inch margins) of each application and ensure that the original and copies are received by the Charter Schools Division on or before (not postmarked by) 4:30 p.m., **October 12, 2012**.

Mailed documents must arrive on or before **October 12, 2012**, and should be sent to the following address:

Public Charter Schools Grant Program  
California Department of Education  
Charter Schools Division  
1430 N Street, Suite 5401  
Sacramento, CA 95814-5901

Applicants may personally deliver the sub-grant application package to the Charter Schools Division on or before (not postmarked by) 4:30 p.m., **October 12, 2012**, at the following location:

Public Charter Schools Grant Program  
California Department of Education  
Charter Schools Division  
1430 N Street, Suite 5401  
Sacramento, CA 95814-5901

To comply with Federal Americans with Disability Act (ADA) Regulations, please adhere to the following guidelines:

- Submit text based documents only (no scanned images)
- If images are included, also include alternative text for that image
- Do not use color to convey information
- Do not include images of handwritten signatures for privacy reasons

## **Waivers**

If an applicant believes that a waiver is necessary for the successful operation of the charter school, the applicant must have an approved waiver for any state or local laws, regulations, or policies that are generally applicable to charter schools prior to submitting a PCSGP application.

If the school previously received a PCSGP planning sub-grant or requires a waiver of any federal statutory or regulatory provisions, the applicant must submit a written request to waive specific statute or regulations, including an explanation or justification for the request, concurrently with or prior to submitting the PCSGP application.

## Forms

### PCSGP Application Checklist

#### Application Components

The following forms must be included as part of the application. Please put a check or initial by each form after completion and compile the application packet in the order provided below. These forms can be downloaded from the CDE PCSGP Web page at [CDE web link].

Include this completed checklist in the application packet

- \_\_\_\_\_ PCSGP Form 1 Application Cover Sheet (Required)  
(Must be signed in **blue ink** by the primary applicant)
- \_\_\_\_\_ PCSGP Form 2 Narrative Response–Part 1 (Required)  
**Limit 15 Pages**
- \_\_\_\_\_ PCSGP Form 3 Narrative Response–Part 2 (If applicable)  
**Limit 4 Pages**
- \_\_\_\_\_ PCSGP Form 5 Proposed Budget Summary (Required)
- \_\_\_\_\_ PCSGP Form 6 Budget Narrative (Required)
- \_\_\_\_\_ PCSGP Form 7 Charter School Work Plan/Activities (Required)  
**Limit 15 Pages**

## PCSGP Form 1—Application Cover Sheet

### Public Charter Schools Grant Program (PCSGP) Application for Funding

**APPLICATION RECEIPT DEADLINE**  
**October 12, 2012, 4:30 p.m.**

Submit to:  
Charter Schools Division  
California Department of Education  
1430 N Street, Suite 5401  
Sacramento, CA 95814-5901

**NOTE:** Please print or type all information.

Charter School Information	
Charter School Name	
Address	
City	Zip Code
County	County District School Code
Telephone Number	Fax Number
Charter Authorizing Agency Name	School Grade Level
State Board of Education Charter School Number	
Charter School Approval Date (if you do not have an SBE number)	
School Opening Date	Proposed Enrollment
School Type (Classroom or Non-classroom)	Newly Established or Conversion School

Name of Grant Application Organization (complete only one)	
Non-profit Entity (enter corporation name)	
County Office of Education	
School District	



## PCSGP Form 1—Application Cover Sheet (Page 2 of 2)

Primary Applicant Information		
First Name	Last Name	
Title		
Address		
City	State	Zip Code
Telephone Number	Fax Number	E-mail Address

Contact Person Information		
First Name	Last Name	
Title		
Address		
City	State	Zip Code
Telephone Number	Fax Number	E-mail Address

Grant Award Information (indicate amount requested in the appropriate box below)		
The charter school is non-classroom based (eligible for funding up to \$250,000)  \$ _____	The charter school is classroom based (eligible for funding up to \$375,000)  \$ _____	The charter school is classroom based (*eligible for higher sub-grant award amount, up to \$575,000)  \$ _____  *Applicant must complete and include Form 3.

Certification, Assurance and Signature Section	
<p><b>CERTIFICATION/ASSURANCE:</b> As the duly authorized representative of the applicant, I have read all assurances, certifications, terms, and conditions associated with the Federal PCSGP program; and I agree to comply with all requirements as a condition of funding.</p> <p>I certify that all applicable state and federal rules and regulations will be observed and that to the best of my knowledge, the information contained in this application is correct and complete.</p>	
Printed Name of Administrator or Designee	Telephone Number
Administrator or Designee Signature (Blue Ink)	Date

## **PCSGP Form 2—Narrative Response—Part 1**

(Required)

Please respond to the areas below using 12 point Arial font and one inch margins. Page limit for this section is **15 pages** total. When responding to the narrative areas, applicants should provide a thorough response that addresses **all** components of each area. Refer to Narrative Response Requirements on page 15 of this RFA, and the PCSGP Rubric, Appendix A.

1.	<b>Educational Program (Required)</b>
	Response:
2.	<b>Charter Management Plan (Required)</b>
	Response:
3.	<b>Community and Parent Involvement (Required)</b>
	Response:
4.	<b>Sustainability and Alignment of Resources (Required)</b>
	Response:
5.	<b>Targeted Capacity Building Activities (If applicable)</b>
	Response:
6.	<b>Autonomy (Required)</b>
	Response:
7.	<b>Notification and Admissions (Required)</b>
	Response:

### PCSGP Form 3—Narrative Response—Part 2

(If applicable)

Please respond to the areas below using 12 point Arial font and one inch margins. Page limit is **4 pages** for this section. When responding to the narrative areas, applicants should provide a thorough response that addresses **all** components of each area. Refer to Narrative Response Requirements on page 18 of this RFA.

1.	<b>Compliance with Individuals with Disabilities Education Act (IDEA) (If applicable)</b>
	Response:
2.	<b>Eligibility for Higher Sub-grant Award (If applicable)</b>
	Response:

## **PCSGP Form 4—Budget Instructions**

### **Instructions for Completing the Proposed Budget Summary (PCSGP Form 5)**

The applicant must include the Proposed Budget Summary (PCSGP Form 5) and a Budget Narrative (PCSGP Form 6). Sub-grant funds are intended to support the final planning and initial operation of the charter school.

Important:

- The Budget must address the full term of the sub-grant (two or three years)
- The Budget must be of sufficient size and scope to implement the objectives and activities
- The Budget Summary may not be modified and broken down further than the object codes provided (e.g., 1000, 2000, 3000, etc.)

### **Instructions for Completing the Budget Narrative (PCSGP Form 6)**

The Budget Narrative must provide more detail regarding the information provided in the Proposed Budget Summary and support actions and activities identified in the narrative response and the Charter School Work Plan/Activities.

Use the Budget Narrative form to describe the costs associated with each activity reflected in the budget. The Budget Narrative must clearly identify those activities that are related to costs included in the planning and implementation columns on the Proposed Budget Summary (PCSGP Form 5).

- The Budget Narrative must be grouped by object code series (e.g., 1000, 2000, 3000, etc.).
- The Budget Narrative must include totals by object code series, year, and include totals by object code series, year, and term of sub-grant.

See the complete list of California Account Codes in Form 8.

***Be sure that your Charter School name appears on all pages.***

## PCSGP Form 5—Proposed Budget Summary

Name of Charter School:	
County/District/School (CDS) Code:	Charter Number:
County:	
Contact:	Telephone Number:
E-Mail:	Fax Number:
PCA:      SACS Resource: 4610 Revenue Object : 8290	

Object Code	Description of Line Item	PCSGP Funds Budgeted		
		FY	FY	FY
		Planning Year (If Applicable)	Implementation Year 1	Implementation Year 2
	Revolving Fund Series (Implementation Year 1 only)			
1000–	Certificated Personnel Salaries			
1999				
2000–	Classified Personnel Salaries			
2999				
3000–	Employee Benefits			
3999				
4000–	Books and Supplies			
4999				
5000–	Services and Other Operating Expenditures			
5999				
6000–	Capital Outlay			
6999				
7310 &	Indirect Costs			
7350				
<b>Total Amount Budgeted</b>				



## PCSGP Form 7—Charter School Work Plan/Activities

Include specific activities and action steps that align to and support the implementation of the associated element. Applicant may include multiple activities that support each element. The page limit for this form is **15-pages**. The timeline to complete each activity and action step, including beginning and ending dates, using both month and year designations, position or persons responsible for ensuring that each action step is completed according to the proposed timeline, description of evidence that will be submitted to CDE, upon request for monitoring purposes.

Element	Actions/Activities	Timeline		Position or Person Responsible	Evidence
		Start	End		
<b>Educational Program</b>					
<b>Charter Management Plan</b>					
<b>Community and Parent Involvement</b>					
<b>Sustainability and Alignment of Resources</b>					
<b>Targeted Capacity Building Activities</b> <b>(If applicable)</b> <ul style="list-style-type: none"> <li>• Governance training (required)</li> <li>• Fiscal Management training (required)</li> </ul>					
<b>Autonomy</b>					
<b>Notification and Admissions</b>					

## PCSGP Form 7—Charter School Work Plan/Activities

### EXAMPLE

Include specific activities and action steps that align to and support the implementation of the associated element. Applicant may include multiple activities that support each element. The page limit for this form is **15-pages**. The timeline to complete each activity and action step, including beginning and ending dates, using both month and year designations, position or persons responsible for ensuring that each action step is completed according to the proposed timeline, description of evidence that will be submitted to CDE, upon request for monitoring purposes.

Element	Actions/Activities	Timeline		Position or Person Responsible	Evidence
		Start	End		
Educational Program	Conduct two-day workshop on adapting curriculum and instruction	10/2/12	10/3/12	Principal	Agenda and sign-in sheets
	Weekly Teacher observations	Sept. 2012	May 2013	Principal	Schedule, Observation forms
Charter Management Plan	Monthly meeting to review data, evaluate and modify instruction	Sept. 2012	May 2013	Principal and teachers	Agendas, meeting notes
Community and Parent Involvement	Initial parent meeting	8/25/12	8/25/12	Principal	Notification letter, agenda, sign-in sheets
Sustainability and Alignment of Resources					
Targeted Capacity Building Activities (If applicable)	<ul style="list-style-type: none"> <li>Governance training (required)</li> <li>Fiscal Management training (required)</li> </ul>				
Autonomy					
Notification and Admissions					



## **PCSGP Form 8—Object of Expenditure Codes**

School districts and county superintendents of schools are required to report expenditures in accordance with the object classification plan in the California School Accounting Manual. The use of these object codes will facilitate the preparation of budgets and the various financial reports requested by federal, state, county, and local agencies. The California School Accounting Manual is available from the CDE Publication Sales (call 1-800-995-4099).

### **1000–1999 Certificated Personnel Salaries**

- 1100 Certificated Teachers' Salaries
- 1200 Certificated Pupil Support Salaries
- 1300 Certificated Supervisors' and Administrators' Salaries
- 1900 Other Certificated Salaries

### **2000–2999 Classified Personnel Salaries**

- 2100 Classified Instructional Salaries
- 2200 Classified Support Salaries
- 2300 Classified Supervisors' and Administrators' Salaries
- 2400 Clerical, Technical, and Office Staff Salaries
- 2900 Other Classified Salaries

### **3000–3999 Employee Benefits**

- 3101 State Teachers' Retirement System, certificated positions
- 3102 State Teachers' Retirement System, classified positions
- 3201 Public Employees' Retirement System, certificated positions
- 3202 Public Employees' Retirement System, classified positions
- 3301 OASDI/Medicare/Alternative, certificated positions
- 3302 OASDI/Medicare/Alternative, classified positions
- 3401 Health and Welfare Benefits, certificated positions
- 3402 Health and Welfare Benefits, classified positions
- 3501 State Unemployment Insurance, certificated positions
- 3502 State Unemployment Insurance, classified positions
- 3601 Workers' Compensation Insurance, certificated positions
- 3602 Workers' Compensation Insurance, classified positions
- 3701 OPEB, Allocated, certificated positions
- 3702 OPEB, Allocated, classified positions
- 3751 OPEB, Active Employees, certificated positions
- 3752 OPEB, Active Employees, classified positions
- 3801 PERS Reduction, certificated positions
- 3802 PERS Reduction, classified positions
- 3901 Other Benefits, certificated positions
- 3902 Other Benefits, classified positions

## **Object of Expenditure Codes, Page 2**

### **4000–4999 Books and Supplies**

- 4100 Approved Textbooks and Core Curricula Materials
- 4200 Books and Other Reference Materials
- 4300 Materials and Supplies
- 4400 Noncapitalized Equipment
- 4700 Food

### **5000–5999 Services and Other Operating Expenditures**

- 5100 Subagreements for Services
- 5200 Travel and Conferences
- 5300 Dues and Memberships

5400 Insurance

## **PCSGP Form 8—Object of Expenditure Codes (Page 2 of 2)**

### **5000–5999 Services and Other**

5500 Operations and Housekeeping Services  
5600 Rentals, Leases, Repairs, and Noncapitalized Improvements  
5700–5799 Transfers of Direct Costs  
5710 Transfers of Direct Costs  
5750 Transfers of Direct Costs—Interfund  
5800 Professional/Consulting Services and Operating Expenditures  
5900 Communications

### **6000–6999 Capital Outlay**

6100 Land  
6170 Land Improvements  
6200 Buildings and Improvements of Buildings  
6300 Books and Media for New School Libraries or Major Expansion of School Libraries  
6400 Equipment  
6500 Equipment Replacement  
6900 Depreciation Expense (for proprietary and fiduciary funds only)

### **7000–7499 Other Outgo**

#### **7100–7199 Tuition**

7110 Tuition for Instruction Under Interdistrict Attendance Agreements  
7130 State Special Schools  
7141 Other Tuition, Excess Costs, and/or Deficit Payments to Districts or Charter Schools  
7142 Other Tuition, Excess Costs, and/or Deficit Payments to County Offices  
7143 Other Tuition, Excess Costs, and/or Deficit Payments to JPAs

## **Object of Expenditure Codes, Page 2**

### **7200–7299 Interagency Transfers Out**

7211 Transfers of Pass-Through Revenues to Districts or Charter Schools  
7212 Transfers of Pass-Through Revenues to County Offices  
7213 Transfers of Pass-Through Revenues to JPAs  
7221 Transfers of Apportionments to Districts or Charter Schools  
7222 Transfers of Apportionments to County Offices  
7223 Transfers of Apportionments to JPAs  
7281 All Other Transfers to Districts or Charter Schools  
7282 All Other Transfers to County Offices  
7283 All Other Transfers to JPAs  
7299 All Other Transfers Out to All Others

### **7300–7399 Transfers of Indirect Costs (Effective 2008-09)**

7310 Transfers of Indirect Costs 7350 Transfers of Indirect Costs—Interfund  
7370 Transfers of Direct Support Costs (Valid through 2007–08)  
7380 Transfers of Direct Support Costs—Interfund (Valid through 2007–08)

### **7430–7439 Debt Service**

7432 State School Building Repayments  
7433 Bond Redemptions  
7434 Bond Interest and Other Service Charges  
7435 Repayment of State School Building Fund Aid—Proceeds from Bonds  
7436 Payments to Original District for Acquisition of Property  
7438 Debt Service—Interest  
7439 Other Debt Service—Principal

## **PCSGP Form 9—General Assurances and Certifications**

### **General Assurances** (Required for all Applicants)

**Note:** All sub-grantees are required to retain on file a copy of these assurances for the charter school records and for audit purposes. Please download the General Assurances form located on the CDE Funding Tools and Materials Web page at <http://www.cde.ca.gov/fq/fo/fm/>. Do not submit PCSGP Form 9 to the CDE; retain at the charter school.

### **Certifications Regarding Drug-Free Workplace, Lobbying, and Debarment and Suspension** (Do not submit as part of RFA.)

Download the following three forms from the CDE Funding Tools and Materials Web page at <http://www.cde.ca.gov/fq/fo/fm/>. The signature on the front of the application indicates acknowledgement and agreement to all assurances.

1. Drug-Free Workplace
2. Lobbying
3. Debarment and Suspension

## **PCSGP Form 10—Sub-grant Conditions and Assurances**

### **Specific Assurances**

As a condition of the receipt of funds under this sub-grant program, the applicant agrees to comply with the following Sub-grant Conditions and Assurances. The signatures of the authorized agents on the front of this application indicates acknowledgement and agreement to all assurances.

1. This grant shall be administered in accordance with the provisions of California law regarding charter schools; Title X, Part C of the Improving America's Schools Act of 1994; and the Code of Federal Regulations (CFR) parts 75, 76.785 through 76.799, 77, 81, 86, and 99. Expenditures shall comply with all applicable provisions of federal and state regulations and policies relating to the administration, use and accounting for public school funds. Any interpretations of law, regulations, and procedures shall be the sole responsibility of the CDE.
2. The CDE reserves the authority to require the repayment of received funds, the return of all unused funds, and/or the termination of the grant if the grant recipient fails to meet the terms of this agreement, fails to meet established deadlines, or fails to act in good faith to carry out the activities described in the grant proposal.
3. The charter school or charter developer agrees to use the funding in a manner consistent with their applications as submitted, or as revised and approved by the CDE.
4. The grant recipient agrees to fulfill the performance measures specific to its grant type and submit timely financial reports, status reports, and all other required reports. Failure to do so could result in the forfeiture of the grant and repayment of funds.
5. The grant recipient agrees to cooperate with the ED, the CDE, the State Board of Education, and their independent contractors, if any, in the administration of this grant, and to conduct any external evaluation of the effectiveness of the grant process.
6. Auditable records will be maintained on file for five years following the grant closing date.
7. The grant recipient's name will be used in all communications.
8. Report to the CDE the school-level data as described in this RFA.

### **PCSGP Form 10—Sub-grant Conditions and Assurances (Page 2 of 3)**

9. Respond to any additional surveys or other methods of data collection that may be required for the full sub-grant period.
10. Include in the application all required forms signed by the primary applicant or designee.
11. All audits of financial statements will be conducted in accordance with Government Auditing Standards and with policies, procedures, and guidelines established by the Education Department General Administrative Regulations (EDGAR), Single Audit Act Amendments, and OMB Circular A-133.
12. Applicant has provided timely notice of its intent to apply for PCSGP sub-grant and a copy of the sub-grant application to the authorizer.
13. Maintain fiscal procedures to minimize the time elapsing between the transfer of the funds from the CDE and disbursement
14. Federal regulations require grant recipients to establish written standards pursuant to employee conflicts of interest in awarding contracts, and written standards for resolution of any protests or disputes that arise from procurements. Regulations also provide numerous requirements in the procurement process, specifically designed to ensure proper use of public funds in an open and freely competitive environment. Information on these regulations can be found in Appendix C. Procurements that are not negotiated in accordance with federal regulations will be disallowed
15. For all grant recipients, the following documents must be on file at their business offices
  - Organizational charts, signed articles of incorporation, and any other organizational and governance documents of the agency.
  - A copy of this RFA and the general assurances and certifications, as well as other relevant materials that are referred to but not included within the RFA.

This information is subject to review and verification by CDE staff

16. Teachers hired by grant recipients must adhere to ESEA “highly-qualified teacher” standards for core academics. More information about these standards may be found on the CDE Improving Teacher and Principal Quality Web page at <http://www.cde.ca.gov/nclb/sr/tq/>. In addition, all staff must have cleared health (e.g., tuberculosis) and criminal background (e.g., fingerprinting) checks. This information is subject to review and verification by CDE staff.

### **PCSGP Form 10—Sub-grant Conditions and Assurances (Page 3 of 3)**

17. Grant recipients must participate annually in all testing programs required by state law.
18. All non-federal entities expending \$500,000 or more in combined federal funds (e.g., PCSGP and Title I funds, or American Recovery and Reinvestment Act [ARRA] funds) in a single year are required by federal law to obtain and submit a Single Audit to the Federal Audit Clearinghouse. PCSGP recipients required to file Federal Single Audits must submit a copy of the reporting package to the CDE Charter Schools Division as a PCSGP performance benchmark. Further information may be found in OMB Circular A-133, which may be accessed at the following link:  
[http://www.whitehouse.gov/sites/default/files/omb/assets/a133/a133\\_revised\\_2007.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/a133/a133_revised_2007.pdf).
19. Grant recipients will access the Federal Audit Clearinghouse Web page to submit their Single Audit. The web address for this Web page is:  
<http://harvester.census.gov/sac/>.
20. The CDE will verify that the grant recipient's school (1) has an enrollment of at least 50 students at one point in time within the first calendar year of operation based on the effective date the charter school is open and available to serve students AND (2) has at least 100 students at one point in time within two calendar years of operation based on the effective date the charter school is open and available to serve students.

Depending on the date the charter school opened to serve students, grant recipients may provide the CDE with either a copy of an online CDE DataQuest certified enrollment report, a copy of an aggregate school-level California Longitudinal Pupil Achievement Data System (CALPADS) Operational Data Store (ODS) enrollment report, or a signed letter from the charter authorizer that confirms enrollment.

If the school does not reach the minimum enrollment required during the grant project period, grant disbursements may be withheld until the enrollment requirement has been met. If the school does not reach the minimum enrollment requirement by the end of the grant project period, the CDE may invoice the school for grant payments issued to date. If the grant recipient is concerned that the school will not meet the enrollment requirements, in lieu of meeting this requirement the CDE will consider a budget report submitted by the grantee that attests to the sustainability of the school beyond the duration of the grant.

## Appendices

### Appendix A: PCSGP Rubric

#### 1. Educational Program (Required)

The likelihood that the schools education program would result in increased student academic performance as measured by the State's standardized testing program.

Narrative Element	Advanced—4 points	Adequate—3 Points	Limited—2 Points	Inadequate—1 point
The applicant must describe the educational program to be implemented in the proposed charter. This description must address the following:	The narrative includes a thorough description of the educational program to be implemented in the proposed application, which is likely to support full implementation resulting in increased student academic performance for all students.	The narrative includes an adequate description of the educational program to be implemented in the proposed application and is likely to suggest adequate implementation resulting in increased student academic performance for all students.	The narrative includes a brief description of the educational program to be implemented in the proposed application; however, the likelihood of increased student academic performance is limited.	The narrative does not include sufficient information on the educational program to be implemented in the proposed charter. The likelihood of increased student academic performance is not clear.
How the program will enable all students to meet challenging State student academic achievement standards	The narrative clearly identifies how the educational program will enable all students to meet challenging State student academic achievement standards.	The narrative adequately identifies how the educational program will enable all students to meet challenging State student academic achievement standards.	The narrative provides a limited description on how the educational program will enable students to meet challenging State student academic achievement standards.	The narrative is not clear on how the program will enable students to meet challenging State student academic achievement standards.
The grade level or ages of children to be served	The narrative clearly describes the expected student population's demographics.	The narrative describes the expected student population's demographics.	The narrative does not fully describe the expected student population's demographics	The narrative does not describe the expected student population's demographics.
Goals and Objectives of the charter school and the methods the school will determine progress toward achieving those goals and objectives	The narrative provides clear and realistic goals and objectives that are measureable. A thorough description is provided of the methods that will be used to achieve goals and measure objectives.	The narrative provides goals and measurable objectives. An adequate description of the methods that will be used to achieve the goals and measure objectives is provided.	The narrative provides goals and objectives. The description of the methods that will be used to determine progress on meeting goals and objectives is limited.	The narrative does not provide goals and objectives, or the goals and objective are not measureable or realistic. There is no description of the methods that will be used to determine progress on meeting the goals and objectives.
A plan to develop teacher effectiveness measures that include student achievement data as a	The narrative provides a clear plan for the development of teacher effectiveness measures that include student achievement	The narrative provides an adequate plan for the development of teacher effectiveness measures that include student achievement data	The narrative provides limited information on the plan for the development of teacher effectiveness measures that	The narrative does not provide a plan for the development of teacher effectiveness measures that include student achievement data

<b>Narrative Element</b>	<b>Advanced—4 points</b>	<b>Adequate—3 Points</b>	<b>Limited—2 Points</b>	<b>Inadequate—1 point</b>
substantial portion of the teacher evaluation	data as a substantial portion of the teacher evaluation.	as a substantial portion of the teacher evaluation.	include student achievement data as a substantial portion of the teacher evaluation.	as a substantial portion of the teacher evaluation
The curriculum and instructional practices to be used	The narrative clearly describes the curriculum and instructional practices to be used in the proposed application align with the student population.	The narrative adequate describes how the curriculum and instructional practices to be used in the proposed application align with the student population.	The narrative provides limited information on how the curriculum and instructional practices to be used in the proposed application align with the student population.	The narrative does not sufficiently describe the curriculum and instructional practices to be used in the proposed application.
Strategies to assess and evaluate impact on student achievement, and manage continuous instructional improvement	The narrative provides a thorough description of the strategies that will be used to assess and evaluate impact on student achievement. Description is clear how that data will be continuously used to manage and improvement instruction.	The narrative provides an adequate description of the strategies that will be used to assess and evaluate impact on student achievement, and provides a linkage to how that data will be used to manage and improvement instruction.	The narrative provides a limited description on assessing and evaluating impact on student achievement. The is limited or no detail on how that data will be continuously used to manage and improvement instruction.	The narrative does not provide a description of the how the impact on student achievement will be assessed and evaluated in order to manage and improve instruction.
Work plan activities	Activities identified in the work plan are clear and align to support the full implementation of the plan identified in the narrative. Activities identified include specific implementation dates, and identify who is responsible and what evidence will be provided.	Activities identified in the work plan adequately align to support the implementation of the plan identified in the narrative. Activities identified include implementation dates, and identify who is responsible and what evidence will be provided.	Activities identified in the work plan provide a limited support for implementation of the plan identified in the narrative. Activities identified include range of implementation dates, did not identify who is responsible and/or what evidence will be provided.	Activities identified in the work plan do not align to support or support the full implementation of the plan identified in the narrative, or there are no activities identified in the work plan for this element. Activities do not include implementation dates; identify who is responsible, or what evidence will be provided.



## Appendix A: PCSGP Rubric

### 2. Charter School Management Plan (Required)

The likelihood that the management plan will create, support, and sustain a high-quality charter school.

Narrative Element	Advanced–4 points	Adequate–3 Points	Limited–2 Points	Inadequate–1 point
<p>The applicant must describe how the charter will be managed. This description must address the following:</p> <p>A description of the administrative relationship between the charter school and the authorized public chartering agency, and the use of data for decision making.</p>	<p>The narrative includes a clear description of the administrative relationship between the charter school and the authorized public chartering agency. The plan includes a thorough description on the governing board's capacity, organizational structure, roles and responsibilities, and data decision-making to inform instruction and evaluations that will create, support, and will sustain a high-quality charter school.</p>	<p>The narrative includes an adequate description of the administrative relationship between the charter school and the authorized public chartering agency. The plan includes an adequate description on the governing board's capacity, organizational structure, roles and responsibilities, and data decision-making to inform instruction and evaluations that will create, support, and is likely to sustain a high-quality charter school.</p>	<p>The narrative includes a limited description of the administrative relationship between the charter school and the authorized public chartering agency. The plan includes limited information on the governing board's capacity, organizational structure, roles and responsibilities, and data decision-making to inform instruction and evaluations. It is not clear if it will create, support, and sustain a high-quality charter school.</p>	<p>The narrative does not provide a clear description of the administrative relationship between the charter school and the authorized public chartering agency. Limited or no information is provided on the governing board's capacity, organizational structure, roles and responsibilities, and data decision-making to inform instruction and evaluations that will create, support, and will sustain a high-quality charter school.</p>
<p>Work plan activities</p>	<p>Activities identified in the work plan are clear and align to support the full implementation of the plan identified in the narrative. Activities identified include specific implementation dates, and identify who is responsible and what evidence will be provided.</p>	<p>Activities identified in the work plan align to support the implementation of the plan identified in the narrative. Activities identified include implementation dates, and identify who is responsible and what evidence will be provided.</p>	<p>Some activities identified in the work plan do not align or support the implementation of the plan identified in the narrative. Some activities identified include range of implementation dates, did not identify who is responsible and/or what evidence will be provided.</p>	<p>Activities identified in the work plan do not align to support or support the full implementation of the plan identified in the narrative, or there are no activities identified in the work plan for this element. Activities do not include implementation dates, identify who is responsible, or what evidence will be provided.</p>

## Appendix A: PCSGP Rubric

### 3. Community and Parent Involvement (Required)

The level of community and parent support for the charter school.

Narrative Element	Advanced–4 points	Adequate–3 Points	Limited–2 Points	Inadequate–1 point
The applicant must describe how parents and other members of the community will be involved in the planning, program design, and implementation of the charter school.	The narrative includes a thorough description of how parents and other members of the community will be involved in the planning, program design, and implementation of the charter school.	The narrative includes an adequate description of how parents and other members of the community will be involved in the planning, program design, and implementation of the charter school.	The narrative includes a limited description of how parents and other members of the community will be involved in the planning, program design, and implementation of the charter school.	The narrative does not provide sufficient information on how parents and other members of the community will be involved in the planning, program design, and implementation of the charter school.
The process followed by the school to ensure parental involvement	The narrative thoroughly and clearly describes the process followed by the school to ensure parental involvement.	The narrative adequately describes the process followed by the school to ensure parental involvement	The narrative provides only a limited description of the process followed by the school to ensure parental involvement.	The narrative does not sufficiently describe the process followed by the school to ensure parental involvement.
Work plan activities	Activities identified in the work plan are clear and align to support the full implementation of the plan identified in the narrative. Activities identified include specific implementation dates, and identify who is responsible and what evidence will be provided.	Activities identified in the work plan align to support the implementation of the plan identified in the narrative. Activities identified include implementation dates, and identify who is responsible and what evidence will be provided.	Activities identified in the work plan do not align or support the implementation of the plan identified in the narrative. Activities identified include range of implementation dates, did not identify who is responsible and/or what evidence will be provided.	Activities identified in the work plan do not align to support or support the full implementation of the plan identified in the narrative, or there are no activities identified in the work plan for this element. Activities do not include implementation dates, identify who is responsible, or what evidence will be provided.

## Appendix A: PCSGP Rubric

### 4. Sustainability and Alignment of Resources (Required)

The applicant must describe a sustainability plan and a description of other funding resources.

Narrative Element	Advanced—4 points	Adequate—3 Points	Limited—2 Points	Inadequate—1 point
A description of how the charter school will provide for continued operation of the school once the Federal grant has expired.	The narrative includes a clear and thorough description of a sustainability plan and identifies other funding resources.	The narrative adequately describes a sustainability plan and identifies other funding resources.	The narrative provides a limited description of a sustainability plan and/or a limited identification of other funding resources.	The narrative has identified few, if any, other funding resources planned for supporting implementation of the charter school.
A description of how sub-grant funds or grant funds will be used in conjunction with other federal programs.	The narrative includes a thorough description of how other resources align with the proposed application, a coherent sustainability plan, and continues support for implementation of the charter school once the Federal grant has expired.	The narrative adequately describes how other resources align with the proposed application, a coherent sustainability plan, and continues support for implementation of the charter school once the Federal grant has expired.	The narrative provides a limited description of how other resources align with the charter school's sustainability plan and/or demonstrates limited support for implementation of the charter school once the Federal grant has expired.	The narrative does not provide a description of how other resources identified align with the charter school's sustainability plan and/or support for implementation of the charter school once the Federal Grant has expired.
Work plan activities	<p>The narrative includes a clear and thorough description of how sub-grant funds or grant funds will be used in conjunction with other federal programs.</p> <p>Activities identified in the work plan are clear and align to support the full implementation of the plan identified in the narrative. Activities identified include specific implementation dates, and identify who is responsible and what evidence will be provided.</p>	<p>The narrative adequately describes how sub-grant funds or grant funds will be used in conjunction with other federal programs.</p> <p>Activities identified in the work plan align to support the implementation of the plan identified in the narrative. Activities identified include implementation dates, and identify who is responsible and what evidence will be provided.</p>	<p>The narrative provides a limited description of how sub-grant or grant funds will be used in conjunction with other federal programs.</p> <p>Activities identified in the work plan do not align or support the implementation of the plan identified in the narrative. Activities identified include range of implementation dates, did not identify who is responsible and/or what evidence will be provided.</p>	<p>The narrative does not sufficiently describe how sub-grant or grant funds will be used in conjunction with other federal programs.</p> <p>Activities identified in the work plan do not align to support or support the full implementation of the plan identified in the narrative, or there are no activities identified in the work plan for this element. Activities do not include implementation dates, identify who is responsible, or what evidence will be provided.</p>

## Appendix A: PCSGP Rubric

### 5. Targeted Capacity Building Activities (if applicable)

To increase the likelihood for a new charter school to gain greater sustainability.

Narrative Element	Advanced–4 points	Adequate–3 Points	Limited–2 Points	Inadequate–1 point
<p>Targeted capacity building areas include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Building and sustaining data systems</li> <li>• Opportunities for teachers to plan, and engage in professional development</li> <li>• Instructional development and improvement systems</li> <li>• Instructional improvement systems for technology-based tools and other strategies to manage continuous instructional improvement</li> <li>• Leadership and governance. Providing governance and fiscal management training in the first year of operation.</li> <li>• Business and personnel services</li> <li>• Strategic planning</li> </ul>	<p>The narrative includes a clear and thorough description of a plan for capacity building, which includes all of the following areas:</p> <ul style="list-style-type: none"> <li>• Building and sustaining data systems</li> <li>• Opportunities for teachers to plan, and engage in professional development</li> <li>• Instructional development and improvement systems</li> <li>• Instructional improvement systems for technology-based tools and other strategies to manage continuous instructional improvement</li> <li>• Leadership and governance</li> <li>• Business and personnel services</li> <li>• Strategic planning</li> </ul>	<p>The narrative provides an adequate description of a plan for capacity building, which includes all of the following areas:</p> <ul style="list-style-type: none"> <li>• Building and sustaining data systems</li> <li>• Opportunities for teachers to plan, and engage in professional development</li> <li>• Instructional development and improvement systems</li> <li>• Instructional improvement systems for technology-based tools and other strategies to manage continuous instructional improvement</li> <li>• Leadership and governance</li> <li>• Business and personnel services</li> <li>• Strategic planning</li> </ul>	<p>The narrative includes limited description of a plan for capacity building, which does not include all of the following areas:</p> <ul style="list-style-type: none"> <li>• Building and sustaining data systems</li> <li>• Opportunities for teachers to plan, and engage in professional development</li> <li>• Instructional development and improvement systems</li> <li>• Instructional improvement systems for technology-based tools and other strategies to manage continuous instructional improvement</li> <li>• Leadership and governance</li> <li>• Business and personnel services</li> <li>• Strategic planning</li> </ul>	<p>The narrative does not include a sufficient description of a plan for capacity building,</p> <p>The work plan does not identify activities that support the implementation of the capability-building plan.</p> <p>The plan does not identify governance and fiscal management training in the first year of operation.</p>
<p>Work plan activities</p>	<p>The plan identifies governance and fiscal management training to be completed in year one. The work plan identifies sufficient activities that align to and support the full implementation of the capability-building plan.</p>	<p>The plan identifies governance and fiscal management training to be completed in year one. The work plan identifies activities that align to and support the implementation of the capability-building plan.</p>	<p>The plan identifies governance and fiscal management training to be completed in year one. The work plan identifies limited activities that support the implementation of the capability-building plan.</p>	<p>The work plan does not identify governance and fiscal management training and/or activities identified in the work plan do not align to support or support the full implementation of the plan identified in the narrative, or there are no activities identified in the work plan for this element. Activities do not include implementation dates, identify who is responsible, or what evidence will be provided.</p>

## Appendix A: PCSGP Rubric

### 6. Autonomy (Required)

The applicant must describe the flexibility and level of autonomy.

Narrative Element	Advanced–4 points	Adequate–3 Points	Limited–2 Points	Inadequate–1 point
The degree of autonomy over the charter school's budget, expenditures, personnel, and daily operations.	The narrative clearly describes the flexibility and level of autonomy the charter school has over budget, expenditures, personnel, and daily operation.	The narrative adequately describes the flexibility and level of autonomy the charter school has over budget, expenditures, personnel, and daily operation.	The narrative provides limited information on the flexibility and level of autonomy the charter school has over budget, expenditures, personnel, and daily operation.	The narrative does not provide a description, or the description does not demonstrate the charter school's degree of autonomy over the charter school's budget, expenditures, personnel, and daily operation
Work plan activities	Activities identified in the work plan are clear and align to support the full implementation of the plan identified in the narrative. Activities identified include specific implementation dates, and identify who is responsible and what evidence will be provided.	Activities identified in the work plan align to support the implementation of the plan identified in the narrative. Activities identified include implementation dates, and identify who is responsible and what evidence will be provided.	Activities identified in the work plan do not align or support the implementation of the plan identified in the narrative. Activities identified include range of implementation dates, did not identify who is responsible and/or what evidence will be provided.	Activities identified in the work plan do not align to support or support the full implementation of the plan identified in the narrative, or there are no activities identified in the work plan for this element. Activities do not include implementation dates, identify who is responsible, or what evidence will be provided.

## Appendix A: PCSGP Rubric

### 7. Notification and Admissions (Required)

The applicant must describe the notification and admission process.

Narrative Element	Advanced–4 points	Adequate–3 Points	Limited–2 Points	Inadequate–1 point
<p>A description of how students in the community will be informed about the charter school and given an equal opportunity to attend the charter school.</p> <p>If the number of pupils exceeds the school's capacity, attendance except for existing pupils of the charter school, shall be determined by a public random drawing (per <i>EC</i> Section 47605[d])</p> <p>Work plan activities</p>	<p>The applicant clearly describes the notification and admission process, including PRD as applicable.</p> <p>The narrative section includes a thorough description of how students in the community will be informed about the charter school and given an equal opportunity to attend the charter school.</p> <p>Activities identified in the work plan are clear and align to support the full implementation of the plan identified in the narrative. Activities identified include specific implementation dates, and identify who is responsible and what evidence will be provided.</p>	<p>The applicant adequately describes the notification and admission process, including PRD as applicable..</p> <p>The narrative section provides an adequate description of how students in the community will be informed about the charter school and given an equal opportunity to attend the charter school.</p> <p>Activities identified in the work plan align to support the implementation of the plan identified in the narrative. Activities identified include implementation dates, and identify who is responsible and what evidence will be provided.</p>	<p>The application provides a limited description of the notification and admission process, including PRD as applicable.</p> <p>The narrative section provides a brief description of how students in the community will be informed about the charter school and given an equal opportunity to attend the charter school.</p> <p>Activities identified in the work plan do not align or support the implementation of the plan identified in the narrative. Activities identified include range of implementation dates, did not identify who is responsible and/or what evidence will be provided.</p>	<p>The application does not describe the notification and admission process, including PRD as applicable.</p> <p>The narrative section does not include a description of how students in the community will be informed about the charter school and given an equal opportunity to attend the charter school.</p> <p>Activities identified in the work plan do not align to support or support the full implementation of the plan identified in the narrative, or there are no activities identified in the work plan for this element. Activities do not include implementation dates, identify who is responsible, or what evidence will be provided.</p>

## Appendix A: PCSGP Rubric

Compliance with Individuals with Disabilities Education Act (IDEA) (If applicable):

If the charter school is considered a local educational agency pursuant to *EC* sections 47640-47647. This section will not be scored as part of the peer review process; however, this information will be used by CDE staff when determining the final approval of the grant award.

Narrative Area	Adequate	Inadequate
The applicant must describe how the charter school will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act.	The applicant provides clear description of how the charter school will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act.	The applicant does not adequately describe how the charter school will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act.

## Appendix A: PCSGP Rubric

Eligibility for Higher Grant Award (If applicable):

Eligibility for higher grant award will not be scored as part of the peer review process; this information will be used by CDE staff when determining the grant award amount.

Narrative Area	Adequate	Inadequate
<p>The applicant must describe how the charter school will:</p> <p>Be located in the attendance area of a school that is either eligible for Title 1 SIG funding or chronically low performing, <b>or</b></p> <p>Serve a majority of students who reside in the attendance area of a school that is either eligible for Title 1 SIG funding or chronically low performing</p> <p>The description must provide the distance, in miles, between the school and the traditional (non-charter) school identified above; how the school is of reasonable distance to recruit students from the selected traditional (non-charter) school; and the charter school serves at least one grade level as the selected traditional (non-charter) school</p>	<p>The applicant describes how the school is either eligible for Title 1 SIG funding chronically low performing, <b>or</b></p> <p>Serves a majority of students who reside in the attendance area of a school that is either eligible for Title 1 SIG funding or chronically low performing.</p> <p>The applicant includes in the description the distance in miles between the school and the traditional (non-charter) school identified above; how the school is of reasonable distance to recruit students from the selected traditional (non-charter) school; and the charter school serves at least one grade level as the selected traditional (non-charter) school.</p>	<p>The applicant does not adequately describe how the school is either eligible for Title 1 SIG funding chronically low performing, <b>or</b></p> <p>Serves a majority of students who reside in the attendance area of a school that is either eligible for Title 1 SIG funding or chronically low performing.</p> <p>The applicant does not include in the description the distance in miles between the school and the traditional (non-charter) school identified above; how the school is of reasonable distance to recruit students from the selected traditional (non-charter) school; and the charter school serves at least one grade level as the selected traditional (non-charter) school.</p>



## Appendix A: PCSGP Rubric

Work Plan/Activity Chart (Required)—NOT Scored by Peer Review

The work plan/activity chart will not be scored as a separate component in the peer review process. Work plan activities, and how those activities align and support the narrative proposed plan for each element, will be considered by the peer reviewers when scoring each section.

Narrative Area	Adequate	Inadequate
<p>The work plan must address each of the required narrative elements and identified activities should align and support the proposed plan.</p> <p>The work plan must include actions and activities required to implement each objective, a timeline with specific start and end dates, the individual position and person who will be responsible for oversight and monitoring, and the type of evidence that will be submitted to the CDE, upon request, to verify planning and implementation.</p>	<p>At least one action or activity is identified for each required element identified in the narrative and on the work plan.</p> <p>The work plan includes actions and activities required to implement each objective.</p> <p>The work plan identifies timeline with specific start and end dates.</p> <p>Work plan identifies the individual position and/or person responsible for oversight and monitoring.</p> <p>Work plan identifies the evidence that will be submitted to CDE to verify progress on the implementation/completion of each specific activity..</p>	<p>Not all required elements of the narrative and work plan have an action or activity identified.</p> <p>The work plan does not include specific actions and activities required to implement each objective.</p> <p>Work plan does not include a specific timeline with specific start and end dates</p> <p>Work plan does not include a position or individual who is responsible for oversight and monitoring.</p> <p>Work plan does not include the evidence that will be submitted to CDE to verify the progress on the specific activities.</p>

## **Appendix B: Definitions of PCSGP Terms**

**Admissions Criteria:** see Public Random Drawing

**Approved Charter:** A charter petition that has been approved by an authorizing agency for a public school in California. Formal minutes of the authorizing agency document the approval of the charter petition.

**Attendance Area of a School:** A locally determined geographic designation that establishes boundaries for school enrollment.

- For the purposes of the CSP grant and in accordance with the ESEA, Section 1113:
  - (A) The term 'school attendance area' means, in relation to a particular school, the geographical area in which the children who are normally served by that school reside; and
  - (B) The term 'eligible school attendance area' means a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of children from low-income families served by the local educational agency as a whole.

**Authorizing Agency:** A California school district, county office of education, or the State Board of Education (SBE) that has approved a charter petition, directly or on appeal.

**Charter Management Organization:** Nonprofit entities that directly manage public charter schools.

**Charter Developer:** An individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out, as defined by Section 5210(2) of the Elementary and Secondary Education Act (ESEA).

**Charter School:** A public school that provides instruction in any grades kindergarten through 12 and is approved by an authorized public chartering agency as a charter school under the provisions of *EC* Section 47600 et. seq. (Please see Appendix H for further clarification).

**Charter School Program (CSP):** A U.S. Department of Education (ED) administered discretionary grant program. Awarded states distribute sub-grants to charter school developers to assist in the development and initial operations of newly established or conversion charter schools.

## **Appendix B: Definitions of PCSGP Terms (Page 2 of 5)**

**Chronically Low Performing:** Schools that have been determined to be persistently lowest-achieving or in Program Improvement Years 3, 4, or 5 under Title 1, Part A of the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind (NCLB) Act **and** have a Statewide Academic Performance Index (API) decile rank of 1 or 2.

**Classroom-based:** A program that requires pupils to be engaged in educational activities under the immediate supervision and control of an employee of the charter school who possesses a valid teaching certification. (Also referred to as Site-based.) See California *EC* Section 47612.5(e)(1).

**Conflict of Interest:** Charter school and non-profit public benefit corporation board members are regarded as governmental representatives and as such are subject to provisions of the Fair Political Practices Act and federal regulations found in 34 *CFR* Section 75.525.

**Conversion School:** A traditional public school that converts to charter status under the processes established in *EC* sections 47605, 52055.5, 52055.55, or 52055.650.

**County District School (CDS) Code:** The CDS (County-District-School) code system is an administrative convenience designed to provide the California Department of Education (CDE), the Department of Finance, and postsecondary institutions with a basis for tracking schools. This 14-digit code is the official, unique identification of a school within California. The first two digits identify the county, the next five digits identify the school district, and the last seven digits identify the school.

**Decile Rank: Academic Performance Index (API) ranks** are established by deciles. Deciles are ten categories of equal size from ten (highest) to one (lowest).

**Direct-Funded:** A funding designation under which charter schools receive funds and apply for grants independently from a local educational agency. A charter school annually selects its funding status via the Funding Survey distributed by the CDE. (Also see **Locally Funded**.)

**ED:** The Federal Department of Education.

**Education Management Organization (EMO):** Education management organizations (EMOs) are largely for-profit firms that may provide “whole-school operation” services to public school agencies.

**Elementary and Secondary Education Act (ESEA):** The Elementary and Secondary Education Act of 1965. ESEA is the primary federal legislation for primary (elementary) and secondary education in the United States.

## Appendix B: Definitions of PCSGP Terms (Page 3 of 5)

**Grant Award Notification (GAN):** a legally binding document between the CDE and the grantee. An official document signed by an authorized official stating the amount, terms, and conditions of the grant award.

**Grantee:** For the purposes of this RFA and the PCSGP, the California Department of Education is the “grantee”.

**Implementation Phase:** A period of time between when the grant recipient’s school begins serving students and the end of the grant period. If the school is operational and serving students at the time of award, then it starts the grant period in the implementation phase.

**Locally Funded:** A funding designation that provides funding for charter schools through an LEA. A charter school annually selects its funding status via the Funding Survey distributed by the CDE. (Also see **Direct-funded**.)

**Lottery:** See Public Random Drawing

**Newly Established Charter School:** For purposes of the PCSGP, a newly established charter school is defined as:

- A charter school that has not operated as a private school or under another SBE number, **and** has been in operation as a charter school for no more than one school year.
- or**
- An existing traditional school that converts to a charter school.

EC Section 47601 disallows the conversion of private schools to charter schools. Existing charter schools acquiring a new charter-authorizing agency are not eligible for PCSGP grant funds. Charter schools that close and then reopen with a new charter number and CDS code are not eligible for PCSGP funds. Neither the merging of two schools nor the separating of one school results in establishing a new school

Please note that if a school that previously received PCSGP funding closes and a new school opens in the same location, the latter must demonstrate autonomy from the previous school in order to be eligible for a PCSGP sub-grant. Such autonomy is demonstrated by the following criteria:

1. New authorizer
2. Majority new governing authority
3. Majority of new administration

## Appendix B: Definitions of PCSGP Terms (Page 4 of 5)

4. New operator's clearly defined role that will ensure successful operation of the new school
5. Different educational program that is research based
6. New teachers and staff in any areas of previous AYP deficiency
7. Measurable objectives to show how the new school will remedy/avoid the problems of the closed school
8. Informing previous students that they can select a currently higher-performing school
9. Parental/community involvement with the school's new program

**Non Classroom-Based:** A program that does not meet the requirements defined for a Classroom-based program. (Also referred to as non-site based.) See *EC* Section 47612.5(e)(2).

**Persistently Lowest-Achieving:** California used the percentage of students scoring proficient or advanced on each school's Adequate Yearly Progress (AYP) report to determine the list of persistently lowest-achieving schools. The criteria for establishing the list is posted on the California Department of Education (CDE) Persistently Lowest-Achieving Schools Web page at <http://www.cde.ca.gov/ta/ac/pl/methodology.asp>.

**Planning Phase:** For new charter schools not yet serving students, the planning phase ends on the day prior to the first day of instruction (including summer school programs).

**Primary Applicant:** (Formerly: Authorized Agent). School board president or lead petitioner. The primary applicant must verify and sign all official documents related to the grant award.

**Procurement:** Any formal requisition process used to acquire goods and services that may involve the use of purchase orders, invoices, contracts, and approvals by any level of hierarchy at the grantee's agency. Numerous requirements apply to procurements funded by PCSGP funds; please see Appendix C: Procurements for additional information.

**Program Improvement (PI):** In California, PI is the formal designation for Title I-funded schools and LEAs that fail to make Adequate Yearly Progress (AYP) for two consecutive years. Under ESEA, PI schools and LEAs are responsible for implementing certain federal and state requirements during each year that they are in PI. These vary, based on the PI year and whether the entity is a school or LEA.

**Public Charter School Grant Program (PCSGP):** A federal discretionary grant program administered by the California Department of Education (CDE). The CDE

## **Appendix B: Definitions of PCSGP Terms (Page 5 of 5)**

distributes sub-grants to charter school developers to assist in the development and initial operations of newly established or conversion charter schools.

**Public Random Drawing (Lottery):** A random selection process used to admit applicants to a charter school when the number of applicants exceeds a school's enrollment capacity.

**Restructured School:** Under ESEA, a restructured school in PI Years 4-5 refers to changes made at a PI school that reorganizes the staffing, governance, or other aspects of the school but maintains the school intact as an entity, with the same student population, usually located at the same school facility and with the same school code. A restructured school, including a PI school converted to a charter school, will continue to retain its designation as a PI school and will exit PI only when the school has made AYP for two consecutive years.

**Secondary school or students:** A school that is composed of any combination of seventh through twelfth grades. A secondary student is any student enrolled in grades seven through twelve.

**School Improvement Grant (SIG):** The School Improvement Grant (SIG) provides funding to help local educational agencies (LEAs) address the needs of schools in improvement, corrective action, and restructuring to improve student achievement.

**Single Audit:** All non-federal entities expending \$500,000 or more in **combined** federal funds (e.g., PCSGP and Title I funds, or American Recovery and Reinvestment Act (ARRA) funds) in a single year are required by federal law to obtain and submit a Single Audit to the Federal Audit Clearinghouse. PCSGP recipients required to file federal Single Audits must submit a copy of the reporting package to the CDE Charter Schools Division as a PCSGP performance benchmark. Further information may be found in OMB Circular A-133, which may be accessed at the following link:

[http://www.whitehouse.gov/sites/default/files/omb/assets/a133/a133\\_revised\\_2007.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/a133/a133_revised_2007.pdf).

Grantees will access the Federal Audit Clearinghouse web page to submit their Single Audit. The web address for this web page is: <http://harvester.census.gov/sac/>.

**State Education Agency (SEA):** For the purposes of this RFA, the SEA is the State Board of Education.

**Sub-Grantee:** For the purposes of this RFA, sub-grantees or grant recipients are charter schools awarded a PCSGP grant.

## Appendix C: Revolving Grant Funds for Prohibited Personnel Costs

Grantees are permitted to allocate prohibited personnel costs to grant funds, but only if there is a lack of state or local funds that would otherwise be used to fund these expenses, and only during the first Implementation year of the grant period. Prohibited personnel costs consist primarily of salaries for staff members engaged in ongoing operational activities, such as pupil instruction or general administration. The following conditions apply:

- Grantees may allocate up to the maximum of their first Implementation year allotment, not including any unspent funds that are carried over from the Planning phase.
- Grantees must replenish any funds used in this manner on or before the date that state or local funds are received, or by the end of the first Implementation year, whichever occurs first.
- All funds replenished by the grantee within the required timeframe may be re-allocated to allowable expenditures by the end of the grant period.
- The CDE will issue an invoice for any funds that are allocated in this manner that are not replenished by the required timeframe. The grantee will be unable to recover any funds lost in this manner.
- The use of grant funds for prohibited personnel costs during the first Implementation year, and the replenishment of such funds will be monitored during the grant period.

### Authority

Authority for the use of grant funds in this capacity has been established by a letter from the ED in response to a number of waiver requests from the CDE, included in California's application for federal funding. California applied for a waiver request to permit the use of grant funds for personnel costs during the Planning phase and the first Implementation year of the grant period. An excerpt of the ED's response has been provided. Grantees are referred to as "CSP sub-grantees" and "sub-grantees" in the passage below:

The Secretary approves CDE's waiver request, in part, to permit CDE to allow its CSP sub-grantees to use CSP *implementation* funds for ongoing personnel salaries for the first operational year to cover expenses in the short term until sufficient state operational funds are received. The Secretary denies CDE's request for a waiver to permit its sub-grantees to use CSP *planning* funds for ongoing personnel salaries for the first operational year.

## **Appendix C: Revolving Grant Funds for Prohibited Personnel Costs (Page 2 of 2)**

The Secretary approves CDE's request for a waiver to allow CSP sub-grantees to use CSP implementation funds to cover ongoing personnel salaries for the first operational year, contingent on the following:

- CSP implementation funds may be used to cover ongoing personnel salaries during the first operational year *only* if state or local funds have been allocated for that purpose but are not immediately available;
- CSP sub-grantees must cease using CSP implementation funds to cover ongoing personnel salaries at the end of the first operational year or as soon as sufficient state or local funds allocated for that purpose become available, whichever is sooner;
- CSP sub-grantees must repay to the CSP sub-grant the full amount of implementation funds used for personnel salaries during the first operational year. Such funds must be repaid on or before the date the charter school receives State or local funds allocated for this purpose or the start of the school's second operational year. These repaid funds may then be used for allowable purposes under the grant.

With respect to personnel costs generally, it is important to note that some personnel expenses are allowable costs under the CSP. Specifically, personnel costs in the planning year that are associated with designing the educational program are allowed. Once the school opens, personnel costs are allowable provided staff paid by the grant are specifically working on issues related to the initial implementation of the charter school.

If a person is spending only part of his or her time on initial implementation issues, then only that portion of his salary that is attributable to the initial implementation of the charter school may be charged to the grant.



## Appendix D: Procurement

All grantees are required to develop and maintain a system for the administration of the procurement of goods and services acquired with federal funds. This requirement is provided for in the following passage from the Education Department General Administration Regulations (EDGAR), Part 80—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, Sub-part C (Post Award Requirements), Section 80.36 (Procurement) located at: <http://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html>.

Please note that PCSGP recipients are referred to as “sub-grantees” in the passage below:

### § 80.36 Procurement.

(b) *Procurement standards.* (1) Grantees and sub-grantees will use their own procurement procedures, which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in this section.

(2) Grantees and sub-grantees will maintain a contract administration system, which ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(3) Grantees and sub-grantees will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts.

### Purpose

The purpose of procurement regulations is to encourage best practices in the use of federal funds to acquire products and services, while maintaining the public’s trust. Best practices fulfill policy objectives while promoting transparency, accountability, effective management, and competition.

### Definition

Procurement refers to the practice of requisition, or the formal demand for goods and services. This includes but is not limited to the use of purchase orders, invoices, and the preparation of contracts, each of which is reviewed for approval at various levels of hierarchy within an agency.

Procurement does not include small purchases that typically would not be reviewed by any system of hierarchy for approval. However, the lack of an organized procurement

## **Appendix D: Procurement (Page 2 of 9)**

system does not exempt your organization from requirements tied to purchases that would otherwise be considered procurement.

The following is an example of procurement: a school purchases a large quantity of textbooks through the submission of a purchase order and subsequent receipt of an invoice, both of which are reviewed and approved by the school's Contracting Officer.

The following is not an example of procurement: an administrator uses a petty cash fund to purchase lunch for a group of teachers at a professional development seminar.

### **Requirements**

In order to comply with regulations, grantees must:

- Develop and maintain on-file, written standards for employee performance
- Develop and maintain on-file, procedures for protest and dispute resolution
- Understand and follow the Methods of Procurement, defined by EDGAR
- Understand and comply with Standard Procurement Procedures

If a grantee fails to comply with these requirements in procuring a good or service, the expense may be prohibited and the CDE may invoice the grantee for any funds allocated to the expense.

Each of these requirements will be described in detail, below.

### **Written Code of Standards for Employee Performance**

Written standards for employee performance should, at a minimum, address the criteria below (verification that a grantee has established these standards may be requested at any time by CDE staff):

No employee, officer, or agent of the grantee shall participate in selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- The employee, officer or agent,
- Any member of his or her immediate family,
- His or her partner, or
- An organization, which employs, or is about to employ any of the above has a financial or other interest in the firm selected for award.

## **Appendix D: Procurement (Page 3 of 9)**

The grantee's officers, employees, or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements. Grantees may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

To the extent permitted by state or local law or regulations, such standards of conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the grantee's officers, employees, or agents, or by contractors or their agents.

### **Procedures for Protests and Disputes**

Grantees must generate procedures to handle and resolve any disputes or protests related to procurements. These procedures do not relieve the grantee of any contractual responsibilities under the grantee's contracts.

The grantee shall disclose information regarding any protest that arises to the CDE. A protestor must exhaust all administrative remedies with the grantee and the CDE before pursuing a protest with the federal agency.

A federal agency will only review protests related to: violations of federal law (violations of the law will be referred to the local, state, or federal authority having proper jurisdiction), and violations of the grantee's protest procedures.

### **Methods of Procurement**

Every action of procurement must fall within one of four defined methods of procurement. The methods are:

- Small purchases
- Sealed bids
- Competitive proposals
- Noncompetitive proposals

Each will be described in greater detail, below.

For any method of procurement, time, and material type contracts are only permissible after determination and documentation that no other contract is suitable, and the contract must include a ceiling price that the contractor exceeds at its own risk.

### **Small Purchases**

Small purchases include any procurement that does not cost more than \$100,000. For all small purchases, the grantee is required to document price or rate quotations from an adequate number (the CDE recommends three) of qualified sources.

## **Appendix D: Procurement (Page 4 of 9)**

### **Sealed Bids**

An invitation for bids is prepared and is used to publicly solicit two or more known vendors or contractors. The invitation for bids must include a comprehensive description for the goods or services desired, and stipulate a time and place when all bids will be publicly opened. Potential bidders must be given sufficient time to prepare a response prior to the opening of bids.

A fixed-price written contract is awarded to the bidder whose bid is the lowest in price and meets all conditions of the invitation for bids. Any or all bids may be rejected if there is a sound, documented reason.

### **Competitive Proposals**

For any goods or services desired, a Request for Proposals (RFP) is drafted and publicized. The RFP must provide a comprehensive description of the goods or services desired, and must identify factors that will be used to evaluate any proposals that are received.

A standard method for evaluating proposals must be established and documented. An adequate number of proposals must be received and reviewed, and awards are made to the proposal that is most advantageous to the grantee, with price and other factors considered.

### **Noncompetitive Proposals**

A noncompetitive proposal is the solicitation of a proposal from only one source. Noncompetitive proposals may only be used after a grantee has solicited proposals from multiple sources, and has determined and documented that competition was inadequate. If a good or service is available only from a single source, this may also be documented to justify a noncompetitive proposal.

Grantees who are interested in using noncompetitive proposals may also submit a request through e-mail for CDE staff to review and authorize the proposal.

### **Standard Procurement Procedures**

For any procurement method used above, grantees should establish and adhere to a standard set of procedures for processing procurements. Any procedures established by the grantee must incorporate key items from federal regulations, which are summarized in the sections below. The sections include:

- Maintain Records

## **Appendix D: Procurement (Page 5 of 9)**

- Define the Goods and Services
- Pre-Bid/Proposal Review and Analysis
- Establish Criteria for Vendors/Contractors
  - Suspended and Debarred Parties
- Cost/Price Analysis during Bidding and Proposals
- Required Contract Provisions
  - Bonding Requirements for Construction of Facility Improvement

### **Maintain Records**

In addition to standards and policies, grantees are required to document specific actions for any procurement. These specific actions include, but may not be limited to:

- Rationale for the method of procurement
- Selection of contract type
- Selection or rejection of a contractor/vendor, and supporting rationale
- Basis for a contract price

To ensure compliance with regulations, it is best to document each of these actions as they occur within any given instance of procurement.

### **Define the Goods or Services**

When the need for a product or service is identified, the grantee will generate a clear and precise description of the good or service needed. The following conditions apply:

- The grantee must define minimum, essential characteristics of the goods or services required for those goods or services to satisfy their intended use.
- The grantee is not permitted to describe features that would unduly restrict competition.
- The grantee should avoid detailed product specifications whenever possible.
- If it is not feasible to make a clear description of the technical requirements, a “brand name or equal” description may be used as a means to define the function required by the good or service. Any specific features that must be met by the contractor/vendor will be clearly stated.
- The grantee will identify any other requirements, which the contractor/vendor must fulfill.

## **Appendix D: Procurement (Page 6 of 9)**

This description must be included in any request for proposals or bids, and should be documented for all procurements.

### **Pre-Bid/Proposal Review and Analysis**

Before a grantee may solicit bids or proposals, or make small purchases, the grantee must perform the following analysis for all procurements:

- Review proposed procurements to avoid unnecessary or duplicative items
- Provide consideration for consolidating or breaking out procurements to obtain a more economical purchase, except where breaking out procurements would bypass the small purchase threshold of \$100,000
- Analyze options for lease versus purchase where appropriate
- Conduct any other appropriate analysis to determine the most economical approach
- Generate and document independent estimates for the price of proposed procurements

### **Establish Criteria for Vendors/Contractors**

Before moving forward with small purchases, proposals, or bids, the grantee should establish criteria for potential contractors and vendors. This may include drafting a list of potential bidders in preparation of an invitation for bids. Contractors/Vendors should possess the ability to perform successfully under the terms and conditions of a proposed procurement. In drafting criteria, the grantee must consider the contractor/vendor's:

- Integrity
- Compliance with public policy
- Record of past performance
- Financial and technical capacity

Any list of potential contractors/vendors that is generated must be current, and include enough qualified sources to ensure maximum open and free competition. Grantees are prohibited from placing unreasonable requirements on potential contractors/vendors that would restrict full and open competition.

Qualified sources should also include small, minority, or women's business enterprises, or labor surplus area firms whenever possible. For more information on obligations regarding contracts with small, minority, or women's business enterprises, or labor surplus area firms, please see the relevant section below.

## **Appendix D: Procurement (Page 7 of 9)**

Qualified sources may include faith-based organizations. For more information on obligations regarding contracts with faith-based organization, please see the relevant section below.

### **Suspended and Debarred Parties**

Grantees may not solicit goods or services from any party that is debarred or suspended or is otherwise excluded from or ineligible for participation in federal assistance programs under Executive Order 12549, "Debarment and Suspension".

Grantees are required to vet any potential contractor or vendor for suspension or debarment before a contract is awarded or goods and services are exchanged. A list of suspended and debarred parties may be accessed through the Federal Excluded Parties List System Web site at <https://www.epls.gov/>.

### **Cost/Price Analysis during Bidding and Proposals**

Grantees are required to conduct cost or price analysis for every procurement action. The type and degree of analysis will vary depending on the situation; at a minimum, the following analyses are required:

- Grantees must make independent estimates before receiving bids or proposals for all types of procurement.
- A cost analysis must be performed when the potential contractor/vendor is required to submit the elements of his or her estimated cost, such as under an architectural engineering services contract.
- A cost analysis must be performed when adequate price competition is lacking, and for sole-source procurements (including noncompetitive proposals).
- A cost analysis must be performed for contract modifications or change orders, unless price reasonableness can be established on the basis of catalog or market price of a product sold in substantial quantities to the general public, or based on prices set by law or regulation.
- A price analysis will be used in all other instances to determine the reasonableness of the proposed contract price.

### **Required Contract Provisions**

All contracts funded by the grant must include the provisions listed below, if the indicated condition is applicable. Federal agencies are permitted to require changes,

## **Appendix D: Procurement (Page 8 of 9)**

remedies, changed conditions, access and records retention, suspension of work, and other clauses approved by the Office of Federal Procurement Policy.

- For time and material type contracts—A ceiling price that the contractor exceeds at its own risk.
- For all contracts—Notice of CDE requirements pertaining to reporting.
- For all contracts—Retention of all required records for three years after grantees make final payments and all other pending matters are closed.
- For all contracts—Access by the grantee, the CDE, the Federal Department of Education, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.
- For all contracts—Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).
- For contracts that exceed the simplified acquisition threshold of \$100,000—Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.
- For all contracts in excess of \$100,000—Compliance with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (42 U.S.C. 1857[h]), Section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15).
- For contracts in excess of \$10,000—Termination for cause and for convenience by the grantee including the manner by which it will be effected and the basis for settlement.

### **Contracting with Small and Minority Firms, Women's Business Enterprises, and Labor Surplus Area Firms**

Whenever possible, grantees will solicit goods and services from small, minority, or women's business enterprises, or labor surplus area firms. This may be accomplished by placing qualified small, minority, and women's business enterprises on solicitation lists, and soliciting those businesses whenever they are potential sources. The following conditions apply:



## **Appendix D: Procurement (Page 9 of 9)**

- Grantees must still comply with procurement procedures, including the use of appropriate bidding and selection processes and providing for ample competition as required by law.
- Although grantees should still give consideration to a vendor's technical and financial capacity, grantees should also divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small, minority and women's business enterprises. The grantee may not use this to bypass the small purchase threshold.
- It is permissible to document preference for small, minority, or women's business enterprises as justification for selecting a vendor or contractor that does not provide the lowest-cost goods or services.
- If subcontracts are to be let, grantees must require the prime contractor to take the affirmative steps listed above.

Grantees are encouraged to use the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce for assistance in seeking out small and minority businesses.

### **Contracting with Faith-Based Organizations**

Grantees are permitted to contract with faith-based organizations as they would with any other private organization. All appropriate procurement procedures must be followed. The following conditions apply:

- A faith-based organization that contracts with a grantee may retain its independence, autonomy, right of expression, religious character, and authority over its governance.
- In providing goods or services related to a PCSGP-funded contract, faith-based organizations may not discriminate against beneficiaries of those goods or services on the basis of religion or religious belief.
- Any inherently religious activities provided by the faith-based organization must be offered at a different time and location of any PCSGP-contracted goods or services. Beneficiaries of contracted goods or services may not be required to participate in any such inherently religious activities.

## Appendix E: Equipment and Supplies Standards

Public Charter Schools Grant Program (PCSGP) recipients must follow federal regulations when purchasing, using, and disposing of grant project equipment and supplies.

- “Equipment” is defined as tangible, non-expendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit.
- “Supplies” are defined as all tangible personal property other than equipment. (34 Code of Federal Regulations 80.3)

A requirement of the CDE’s PCSGP grant-monitoring program is to verify that the equipment, supplies, and related records of grant recipients are in compliance with federal regulations.

PCSGP recipients are “sub-grantees” for the purposes of these regulations.

### **34 Code of Federal Regulations 80.32**

- a. Title.** Subject to the obligations and conditions set forth in this section, title to equipment acquired under a grant or sub-grant will vest upon acquisition in the grantee or sub-grantee respectively.
- b. States.** A State will use, manage, and dispose of equipment acquired under a grant by the State in accordance with State laws and procedures. Other grantees and sub-grantees will follow paragraphs (c) through (e) of this section.
- c. Use.**
  1. Equipment shall be used by the grantee or sub-grantee in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by federal funds. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by a federal agency.
  2. The grantee or sub-grantee shall also make equipment available for use on other projects or programs currently or previously supported by the Federal Government, providing such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use shall be given to other programs or projects

## Appendix E: Equipment and Supplies Standards (Page 2 of 4)

supported by the awarding agency. User fees should be considered if appropriate.

3. Notwithstanding the encouragement in §80.25(a) to earn program income, the grantee or sub-grantee must not use equipment acquired with grant funds to provide services for a fee to compete unfairly with private companies that provide equivalent services, unless specifically permitted or contemplated by federal statute.
4. When acquiring replacement equipment, the grantee or sub-grantee may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property, subject to the approval of the awarding agency.

**d. Management requirements.** Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part with grant funds, until disposition takes place will, as a minimum, meet the following requirements:

1. Property records must be maintained that include a description of the property, a serial number or other identification number, the source of property, who holds title, the acquisition date, cost of the property, percentage of federal participation in the cost of the property, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.
2. A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.
3. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft shall be investigated.
4. Adequate maintenance procedures must be developed to keep the property in good condition.
5. If the grantee or sub-grantee is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

**e. Disposition.** When original or replacement equipment acquired under a grant or sub-grant is no longer needed for the original project or program or for other

## Appendix E: Equipment and Supplies Standards (Page 3 of 4)

activities currently or previously supported by a federal agency, disposition of the equipment will be made as follows:

1. Items of equipment with a current per-unit fair market value of less than \$5,000 may be retained, sold, or otherwise disposed of with no further obligation to the awarding agency.
  2. Items of equipment with a current per unit fair market value in excess of \$5,000 may be retained or sold and the awarding agency shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the equipment.
  3. In cases where a grantee or sub-grantee fails to take appropriate disposition actions, the awarding agency may direct the grantee or sub-grantee to take excess and disposition actions.
- f. **Federal equipment.** In the event a grantee or sub-grantee is provided federally-owned equipment:
1. Title will remain vested in the Federal Government.
  2. Grantees or sub-grantees will manage the equipment in accordance with federal agency rules and procedures, and submit an annual inventory listing.
  3. When the equipment is no longer needed, the grantee or sub-grantee will request disposition instructions from the federal agency.
- g. **Right to transfer title.** The federal awarding agency may reserve the right to transfer title to the Federal Government or a third party named by the awarding agency when such a third party is otherwise eligible under existing statutes. Such transfers shall be subject to the following standards:
1. The property shall be identified in the grant or otherwise made known to the grantee in writing.
  2. The federal awarding agency shall issue disposition instruction within 120 calendar days after the end of the federal support of the project for which it was acquired. If the federal awarding agency fails to issue disposition instructions within the 120 calendar-day period the grantee shall follow §80.32(e).

## **Appendix E: Equipment and Supplies Standards (Page 4 of 4)**

3. When title to equipment is transferred, the grantee shall be paid an amount calculated by applying the percentage of participation in the purchase to the current fair market value of the property.
- h. The provisions of paragraphs (c), (d), (e), and (g) of this section do not apply to disaster assistance under 20 *U.S.C.* 241–1(b)–(c) and the construction provisions of the Impact Aid Program, 20 *U.S.C.* 631–647.

### **34 Code of Federal Regulations 80.33**

- a. **Title.** Title to supplies acquired under a grant or sub-grant will vest, upon acquisition, in the grantee or sub-grantee respectively.
- b. **Disposition.** If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate fair market value upon termination or completion of the award, and if the supplies are not needed for any other federally sponsored programs or projects, the grantee or sub-grantee shall compensate the awarding agency for its share.

## **Appendix F: Financial Management Standards**

Public Charter Schools Grant Program (PCSGP) recipients are required to adhere to federal regulations when developing and using a financial management system to administer federal PCSGP funds. A requirement of the CDE's grant-monitoring program is to verify that the financial management systems of grant recipients are in compliance with federal regulations.

PCSGP recipients are "sub-grantees" for purposes of these regulations.

### **34 Code of Federal Regulations 80.20**

- a.** A State must expend and account for grant funds in accordance with state laws and procedures for expending and accounting for its own funds. Fiscal control and accounting procedures of the State, as well as its sub-grantees and cost-type contractors, must be sufficient to:
  - 1. Permit preparation of reports required by this part and the statutes authorizing the grant, and
  - 2. Permit the tracing of funds to a level of expenditures adequate to establish that such funds have not been used in violation of the restrictions and prohibitions of applicable statutes.
- b.** The financial management systems of other grantees and sub-grantees must meet the following standards:
  - 1. Financial reporting. Accurate, current, and complete disclosure of the financial results of financially assisted activities must be made in accordance with the financial reporting requirements of the grant or sub-grant.
  - 2. Accounting records. Grantees and sub-grantees must maintain records, which adequately identify the source and application of funds provided for financially-assisted activities. These records must contain information pertaining to grant or sub-grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income.
  - 3. Internal control. Effective control and accountability must be maintained for all grant and sub-grant cash, real and personal property, and other assets. Grantees and sub-grantees must adequately safeguard all such property and must assure that it is used solely for authorized purposes.

## **Appendix F: Financial Management Standards (Page 2 of 2)**

4. Budget control. Actual expenditures or outlays must be compared with budgeted amounts for each grant or sub-grant. Financial information must be related to performance or productivity data, including the development of unit cost information whenever appropriate or specifically required in the grant or sub-grant agreement. If unit cost data are required, estimates based on available documentation will be accepted whenever possible.
5. Allowable cost. Applicable OMB cost principles, agency program regulations, and the terms of grant and sub-grant agreements will be followed in determining the reasonableness, allowability, and allocability of costs.
6. Source documentation. Accounting records must be supported by such source documentation as cancelled checks, paid bills, payrolls, time and attendance records, contract and sub-grant award documents, etc.
7. Cash management. Procedures for minimizing the time elapsing between the transfer of funds from the U.S. Treasury and disbursement by grantees and sub-grantees must be followed whenever advance payment procedures are used. Grantees must establish reasonable procedures to ensure the receipt of reports on sub-grantees' cash balances and cash disbursements in sufficient time to enable them to prepare complete and accurate cash transactions reports to the awarding agency. When advances are made by letter-of-credit or electronic transfer of funds methods, the grantee must make drawdowns as close as possible to the time of making disbursements. Grantees must monitor cash drawdowns by their sub-grantees to assure that they conform substantially to the same standards of timing and amount as apply to advances to the grantees.

An awarding agency may review the adequacy of the financial management system of any applicant for financial assistance as part of a pre-award review or at any time subsequent to award

## **Appendix G: Public Charter School Grant Program (PCSGP) Resources**

### **General PCSGP Program Information**

General Program Information

<http://www.cde.ca.gov/sp/cs/re/pcsgp.asp>

PCSGP Funding Profile [placeholder until URL is final]

<http://www.cde.ca.gov/fg/fo/r1/pcsgp11rfa.asp>

### **Public Random Drawing**

Education Code Section 47605 (Public Random Drawing)

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=47001-48000&file=47605-47608>

### **Request For Application (RFA) Information**

PCSGP Request for Applications [placeholder until URL is final]

<http://www.cde.ca.gov/fg/fo/r1/documents/pcsgp11rfa.doc>

Required General Assurances

<http://www.cde.ca.gov/fg/fo/fm/generalassur2011.asp>

Required Certifications

<http://www.cde.ca.gov/fg/fo/fm/ff.asp>

Application Guidance [placeholder until URL is final]

<http://www.cde.ca.gov/sp/cs/as/pcsgp2010.asp>

Application Technical Assistance [placeholder until URL is final]

<http://www.cde.ca.gov/sp/cs/re/webconferences.asp>

### **Finance and Accounting**

Indirect Cost Rates

<http://www.cde.ca.gov/fg/ac/ic/>

California School Accounting Manual (CSAM)

<http://www.cde.ca.gov/fg/ac/sa/>

### **U.S. Department of Education (ED)**

Charter Schools Program State Educational Agency (SEA) Grant

<http://www2.ed.gov/programs/charter/index.html>



## **Appendix G: Public Charter School Grant Program (PCSGP) Resources (Page 2 of 2)**

Elementary & Secondary Education Act, part B – Public Charter Schools

<http://www2.ed.gov/policy/elsec/leg/esea02/pg62.html>

Education Department General Administrative Regulations (EDGAR)

<http://www2.ed.gov/policy/fund/reg/edgarReg/edgar.pdf>

Federal Grant Regulations

<http://www2.ed.gov/policy/fund/reg/edgarReg/edgar.pdf>

Non-Regulatory Guidance Handbook

<http://www2.ed.gov/programs/charter/nonregulatory-guidance.doc>

OMB Circular A-87 Cost Principles for State, Local, and Indian Tribal Government

[http://www.whitehouse.gov/omb/circulars\\_a087\\_2004/](http://www.whitehouse.gov/omb/circulars_a087_2004/)

OMB Circular A-122 Cost Principles for Non-Profit Organizations

[http://www.whitehouse.gov/omb/circulars\\_a122\\_2004/](http://www.whitehouse.gov/omb/circulars_a122_2004/)

Guidance Letter on Lottery Exemptions

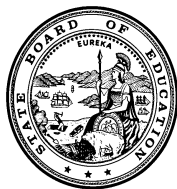
<http://www2.ed.gov/programs/charter/2008-02-13.pdf>



# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM W-01**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### ☒ General Waiver

##### SUBJECT

Request by **Mountain Empire Unified School District** to waive portions of *California Code of Regulations*, Title 5, Section 11960(a), to allow the charter school attendance to be calculated as if it were a regular multi-track school.

Waiver Number: 10-5-2012

☒ Action

☒ Consent

##### RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education (CDE) recommends approval with the following conditions:

1. The charter school will operate up to five tracks; each track will offer a minimum of 175 days.
2. For each track, the charter school will offer the minimum annual instructional minutes as specified by California *Education Code (EC)* Section 47612.5.
3. No track will have fewer than 55 percent of its school days completed prior to April 15.
4. Average daily attendance (ADA) will be calculated separately for each track by the method set forth in *California Code of Regulations*, Title 5 (5 *CCR*), Section 11960, and then the resulting attendance figures will be totaled.
5. For each pupil attending more than one track over the course of the fiscal year, including intersessions and supplemental tracks, attendance must be calculated individually by pupil. In that event, the charter school is directed to work with the CDE to determine the appropriate method for configuring individual students' ADA to ensure that each student does not generate more than one ADA.

Because this waiver is granted for two consecutive years, *EC* 33051(b) will apply, and the district will not be required to reapply annually if information contained in the request remains current.

## **SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

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At its July 2000 meeting, the State Board of Education (SBE) approved SBE's Policy #00-05 Charter School ADA: Alternative Calculation Method, available at <http://www.cde.ca.gov/re/lr/wr/documents/charterschoolada.doc>, which applies to this waiver request. Many multi-track calendar waivers for charter schools have been approved by the SBE in the past 11 years.

## **SUMMARY OF KEY ISSUES**

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Section 11960(a) of 5 CCR defines regular ADA in a charter school and establishes the calculation for determining ADA. The calculation divides the total number of pupil-days attended by the total number of days school was actually taught. This section also requires a proportional reduction in a charter school's funding for each day less than 175 days if the school operates fewer than 175 days in any fiscal year. (This requirement has been reduced to 170 days by EC Section 46201.2, through the 2014–15 fiscal year.)

As referenced in the SBE Policy #00-05:

"Attendance" means the attendance of charter school pupils while engaged in educational activities required of them by their charter schools, on days when school is actually taught in their charter schools. "Regular average daily attendance" shall be computed by dividing a charter school's total number of pupil-days of attendance by the number of calendar days on which school was actually taught in the charter school. For purposes of determining a charter school's total number of pupil-days of attendance, no pupil may generate more than one day of attendance in a calendar day.

A multi-track calendar waiver is typically requested by charter schools that operate on a multi-track, year-round education calendar in order to claim the full ADA. In a multi-track calendar, the total number of days that school is taught may exceed 200 days. However, each track of students is only provided instruction for the number of days in a given track, typically 175 days. Therefore, a waiver is necessary for a multi-track charter school to separately calculate ADA in each track, rather than for the school as a whole.

Mountain Empire Unified School District is requesting this waiver on behalf of the California Pacific Charter School of San Diego (a charter school operated by California Virtual Education Partners, Inc.) to operate a multi-track year round education calendar with three tracks. The reason for offering a multi-track calendar is that the school's target population, comprised mainly of individualized learning students, benefits from a calendar with a staggered start that enables them to commence the school year on a schedule that works well with their existing life circumstances, such as summer and part-time employment, coordination with local school district academic calendars, and meeting the unique academic needs of this student population. The total number of

days the school is teaching per year may be as high as 240. However, each track of students will be offered school for a minimum of 175 days of instruction and no track will have fewer than 55 percent of its school days prior to April 15.

On the basis of this analysis, the CDE recommends approval of this waiver with the conditions noted above.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a),** available at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053>.

**Demographic Information:** The charter school has a widely diverse student population of 283 and provides educational services to students across San Diego and contiguous counties targeted at students who have been underserved by their current school options.

**Authority for Waiver:** EC Section 33050

**Period of request:** July 1, 2012 to June 30, 2014

**Period Recommended:** July 1, 2012 to July 1, 2014

**Local board approval date(s):** April 10, 2012

**Public hearing held on date(s):** April 10, 2012

**Bargaining unit(s) consulted on date(s):** The charter school does not have an employee bargaining unit.

**Name of bargaining unit/representative(s) consulted:** The charter school does not have an employee bargaining unit.

**Position of bargaining unit(s) (choose only one):** The charter school does not have an employee bargaining unit.

☐ Neutral ☐ Support ☐ Oppose:

Comments (if appropriate):

**Public hearing advertised by (choose one or more):**

☐ posting in a newspaper ☒ posting at each school ☐ other (specify)

**Advisory committee(s) consulted:** The charter school does not have an advisory committee or school site council.

**Objections raised (choose one):** ☐ None ☐ Objections are as follows:

**Date(s) consulted:** The charter school does not have an advisory committee or school

site council.

**FISCAL ANALYSIS (AS APPROPRIATE)**

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There is no statewide fiscal impact of waiver approval.

**ATTACHMENT(S)**

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Attachment 1: Mountain Empire Unified School District General Waiver Request  
(2 Pages) (Original waiver request is signed and on file in the Waiver  
Office.)

10-5-2012

Attachment 1

Page 1 of 2

CALIFORNIA DEPARTMENT OF EDUCATION

**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09)

<http://www.cde.ca.gov/re/lr/wr/>First Time Waiver:   X  Renewal Waiver:       

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		3	7	6	8	2	1	3
Local educational agency: <b>Mountain Empire Unified School District</b>		Contact name and Title: Mr. Steve Van Zant, Superintendent				Contact person's e-mail address: svanzant@meusd.net		
Address: (City) (State) (ZIP) 3291 Buckman Springs Rd Pine Valley CA 91962		Phone (and extension, if necessary): (619) 473-9022 Fax Number: (619) 473-9728						
Period of request: (month/day/year) From: <b>July 1, 2012</b> To: <b>June 30, 2014</b>		Local board approval date: (Required) April 10, 2012				Date of public hearing: (Required) April 20, 2012		
<b>LEGAL CRITERIA</b>								
1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the particular <i>Education Code</i> or <i>California Code of Regulations</i> section(s) to be waived (number): <b>CCR Title 5, Section 11960(a)</b> Circle One: <i>EC</i> or <b>CCR</b> Topic of the waiver: <b>Charter School Multi-Track Calendar Waiver</b>								
2. If this is a renewal of a previously approved waiver, please list Waiver Number: <u>  n/a  </u> and date of SBE Approval <u>  n/a  </u> Renewals of waivers must be submitted two months before the active waiver expires.								
3. Collective bargaining unit information. Does the district have any employee bargaining units? <u>  X  </u> No <u>      </u> Yes <u>      </u> If yes, please complete required information below: The charter school does not have a bargaining unit.  Bargaining unit(s) consulted on date(s):  Name of bargaining unit and representative(s) consulted:  The position(s) of the bargaining unit(s): <u>      </u> Neutral <u>      </u> Support <u>      </u> Oppose ( <i>Please specify why</i> )  Comments (if appropriate):								
4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.  How was the required public hearing advertised? <u>      </u> Notice in a newspaper <u>  X  </u> Notice posted at each school <u>      </u> Other: ( <i>Please specify</i> )								
5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  Date the committee/council reviewed the waiver request:  Were there any objection(s)? No <u>      </u> Yes <u>      </u> ( <i>If there were objections please specify</i> )								

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**  
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

**Enable the California Pacific Charter School – San Diego, a California public charter school, to apply for waiver under CCR-Title 5 Section 11960 (a), to allow the charter school attendance to be calculated as a regular multi track school.**

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

**This waiver is being requested to enable the California Pacific Charter School – San Diego (a charter school operated by California Virtual Education Partners, Inc., a California non-profit public benefit corporation) to operate a multi-track year round education calendar with 3 tracks. As a result, the total number of days the school is teaching per year may be as high as 240. However, each track of students will be offered school for a minimum of 175 days of instruction and no track will have fewer than 55% of its school days prior to April 15. Therefore, the waiver is requested to separately calculate ADA in each track (rather than the school as a whole) by method set forth in Title 5 CCR Section 11960(a), and then total the resulting figures. This is the same method that is required for non-charter schools that operate on a multi-track year round calendar. The reason for operating a multi-track calendar is that our target population comprised mainly of individualized learning students benefit from a calendar with a staggered start, which enables them to commence the school year on a schedule that works well with their existing life circumstances, such as summer and part-time employment, coordination with local school district academic calendars, and meeting the unique academic needs of this student population.**

8. Demographic Information:

**The charter school has a widely diverse student population of 283 and provides educational services to students across San Diego and contiguous counties targeted at students who have been underserved by their current school options.**

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** No ☒ Yes ☐  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No ☒ Yes ☐  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:

Title:  
Superintendent

Date:

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

Staff Name (*type or print*):

Staff Signature:

Date:

Unit Manager (*type or print*):

Unit Manager Signature:

Date:

Division Director (*type or print*):

Division Director Signature:

Date:

Deputy (*type or print*):

Deputy Signature:

Date:

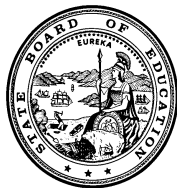




# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM W-02**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### ☒ Federal Waiver

##### SUBJECT

Request by six districts for a waiver of Section 131(c)(1) of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Public Law 109-270).

##### Waiver Numbers:

Colusa Unified School District Fed-07-2012  
Mountain Valley Unified School District Fed-03-2012  
Santa Ynez Valley Union High School District Fed-04-2012  
Scott Valley Unified School District Fed-05-2012  
Trinity Alps Unified School District Fed-02-2012  
Upper Lake Union High School District Fed-01-2012

☒ Action

☒ Consent

##### RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

##### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Section 131(c)(1) of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Public Law 109-270) (Perkins Act) requires local educational agencies (LEAs) whose allocations are less than \$15,000 to enter into a consortium with other LEAs for the purpose of meeting the \$15,000 minimum grant requirement. Section 131(c)(2) of the Perkins Act permits states to waive the consortium agreement if the LEA is in a rural, sparsely populated area and is unable to join a consortium.

The State Board of Education (SBE) Waiver Policy #01-01: Carl D. Perkins Career and Technology Education Improvement Act: Consortium Requirement for Minimum Allocation, available at <http://www.cde.ca.gov/re/lr/wr/documents/perkinspolicyr.doc>, has criteria defining rural that are specifically tied to the National Center for Education Statistics (NCES) Locale Codes numbers 23, 31, 32, 33, 41, 42, or 43.

The SBE has approved all waivers of this statute that have been presented to it to date.

##### SUMMARY OF KEY ISSUES

The criterion for qualifying for this waiver is demonstration that the LEAs cannot form or join a consortium that handles the Perkins funds. There are no other districts in the local area willing to join in a consortium. Districts are located in various rural counties, and have student populations ranging from 100 to 1,025. Districts are seeking waivers to

function independently in order to meet the needs of the students in the district.

**Authority for Waiver:** Federal Waiver Authority (Public Law 109-270) Section 131(c)(2).

**Local board approval date(s):** Various.

### **FISCAL ANALYSIS (AS APPROPRIATE)**

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Approval will enable these districts to receive an annual Perkins Act allocation that is listed on attachment 1. The waivers have no significant effect on the distribution of Perkins Act funds statewide.

### **ATTACHMENT(S)**

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Attachment 1: List of Districts (1 page)

Attachment 2: Federal Waiver Request Fed-07-2012 Colusa Unified School District for Colusa High School (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Federal Waiver Request Fed-03-2012 Mountain Valley Unified School District for Hayfork High School (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Federal Waiver Request Fed-04-2012 Santa Ynez Valley Union High School District for Santa Ynez Valley Union High School (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Federal Waiver Request Fed-05-2012 Scott Valley Unified School District for Etna High School (1 page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Federal Waiver Request Fed-02-2012 Trinity Alps Unified School District for Trinity High School (1 page) (Original waiver request is signed and on file the Waiver Office.)

Attachment 7: Federal Waiver Request Fed-01-2012 Upper Lake Union High School District for Upper Lake High School (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

**Districts Requesting Carl D. Perkins Career and Technical Education Waivers**

Waiver Number	District	Period of Request	NCES Locale Code	Demographic Information	Perkins Act Allocation
Fed-07-2012	Colusa Unified School District for Colusa High School	Period of Request: June 30, 2012 to June 30, 2016 Period Recommended: July 1, 2012 to June 30, 2016	41	Student population of 355 located in Yuba County.	\$ 11,099
Fed-03-2012	Mountain Valley Unified School District for Hayfork High School	Period of Request: July 1, 2012 to June 30, 2016 Period Recommended: July 1, 2012 to June 30, 2016	43	Student population of 100 located in Trinity County.	\$ 2,966
Fed-04-2012	Santa Ynez Valley Union High School District for Santa Ynez Valley Union High School	Period of Request: June 1, 2012 to May 31, 2016 Period Recommended: July 1, 2012 to June 30, 2016	32	Student population of 1,025 located in Santa Barbara County.	\$ 14,104
Fed-05-2012	Scott Valley Unified School District for Etna High School	Period of Request: July 1, 2012 to June 30, 2016 Period Recommended: July 1, 2012 to June 30, 2016	43	Student population of 186 located in Siskiyou County.	\$ 4,748
Fed-02-2012	Trinity Alps Unified School District for Trinity High School	Period of Request: July 1, 2012 to June 30, 2016 Period Recommended: July 1, 2012 to June 30, 2016	43	Student population of 383 located in Trinity County.	\$ 10,736
Fed-01-2012	Upper Lake Union High School District for Upper Lake High School	Period of Request: July 1, 2012 to June 30, 2016 Period Recommended: July 1, 2012 to June 30, 2016	41	Student population of 363 located in Lake County.	\$ 9,554

Prepared by the California Department of Education  
July 24, 2012



CALIFORNIA DEPARTMENT OF EDUCATION  
**FEDERAL WAIVER REQUEST**

*Carl D. Perkins Program Waiver*

FW-1 (Rev. 10-2-2009) <http://www.cde.ca.gov/re/lr/wr/>

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Room 5602  
Sacramento, CA 95814

Send electronic copy in **Word** and  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		0	6	6	1	5	9	8
Local educational agency: Colusa Unified School District / Colusa High School		Contact name and Title: Mike West, Assistant Principal				Contact person's e-mail address: mwest@colusa.k12.ca.us		
Name of school(s):								
Address: (City) (State) (ZIP) 901 Colusa Ave. Colusa, CA 95932		Phone (and extension, if necessary): 530-458-2156 Fax number: 530-458-5783						
Period of request: (month/day/year) (4 years maximum) From: 6/30/2012 To: 6/30/2016		Local board approval date: (Required) June 26, 2012						
<b>LEGAL CRITERIA</b>								
1. Authority for the waiver: Federal Code Section: Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270 Section 131(c)(2).								
2. Federal Code Section to be waived: Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270 Section 131(c)(1), that requires local agencies whose allocations are less than \$15,000 to enter into a consortium with other agencies for the purpose of meeting the \$15,000 minimum grant requirement.								
3. Review the revised 2009 SBE Waiver Policy at: <a href="http://www.cde.ca.gov/re/lr/wr/documents/perkinspolicyr.doc">http://www.cde.ca.gov/re/lr/wr/documents/perkinspolicyr.doc</a>								
Section 131(d)(2) of the Career and Technical Education and Improvement Act of 2006 permits states to waive the consortium requirement in any case in which the local agency: <b>(a) is in a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs;</b> Circle the NCES Locale Code for your school(s): 23 31 32 33 <u>41</u> 42 43								
<b>(b) demonstrates it is unable to enter into a consortium to participate in the Perkins funding.</b>								
Please document your efforts: <b>The high school is located in a rural area and it cannot join a consortium for this program funding. One of the nearest high schools is located about 20 miles away and the other high school is about 17 to 18 miles away.</b>								
4. Demographic Information: (District/school/program) has a student population of <u>355</u> and is located in a <u>Rural</u> (urban, rural, or small city etc. <u>in Colusa</u> County.								
<b>District or County Certification</b> – I hereby certify that the information provided on this application is correct.								
Signature of Superintendent or Designee:		Title:				Date:		
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>								
Staff Name (type or print):		Staff Signature:				Date:		
Unit Manager (type or print):		Unit Manager Signature:				Date:		
Division Director (type or print):		Division Director Signature:				Date:		
Deputy (type or print):		Deputy Signature:				Date:		

CALIFORNIA DEPARTMENT OF EDUCATION  
**FEDERAL WAIVER REQUEST**

*Carl D. Perkins Program Waiver*

FW-1 (Rev. 10-2-2009) <http://www.cde.ca.gov/re/lr/wr/>

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Room 5602  
Sacramento, CA 95814

Send electronic copy in **Word** and  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

						<b>CD CODE</b>					
		5	3	7	5	0	2	8			
Local educational agency: Mountain Valley Unified School District				Contact name and Title: Michelle Hutchins, Superintendent				Contact person's e-mail address: mhutchins@mvusd.us			
Name of school(s): Hayfork High School											
Address:		(City)		(State)		(ZIP)		Phone (and extension, if necessary): (530) 628-5265 Ext21			
P.O. Box 339		Hayfork		CA		96041-0339		Fax number: (530) 628-5267			
Period of request: (month/day/year) (4 years maximum) From: 7/1/2012 To: 6/30/2016				Local board approval date: (Required) May 9, 2012							
<b>LEGAL CRITERIA</b>											
1. Authority for the waiver: Federal Code Section: Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270 Section 131(c)(2).											
2. Federal Code Section to be waived: Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270 Section 131(c)(1), that requires local agencies whose allocations are less than \$15,000 to enter into a consortium with other agencies for the purpose of meeting the \$15,000 minimum grant requirement.											
3. Review the revised 2009 SBE Waiver Policy at: <a href="http://www.cde.ca.gov/re/lr/wr/documents/perkinspolicyr.doc">http://www.cde.ca.gov/re/lr/wr/documents/perkinspolicyr.doc</a>											
Section 131(d)(2) of the Career and Technical Education and Improvement Act of 2006 permits states to waive the consortium requirement in any case in which the local agency:											
<b>(a) is in a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs;</b>											
Circle the NCES Locale Code for your school(s):    23       31       32       33       41       42 <span style="border: 1px solid black; padding: 0 2px;">43</span>											
<b>(b) demonstrates it is unable to enter into a consortium to participate in the Perkins funding.</b>											
Please document your efforts: Trinity High School, located 32 miles from Hayfork High School, is the closest school in which to form a consortium. Considering differences in our school sizes, distances from each other, and programs offered at each school, we feel a waiver is possible and reasonable											
4. Demographic Information: Hayfork High School has a student population of 100 and is located in a rural-remote community ( <i>urban, rural, or small city etc.</i> <u>      </u> in <i>Trinity County</i> ).											
<b>District or County Certification</b> – <i>I hereby certify that the information provided on this application is correct.</i>											
Signature of Superintendent or Designee:				Title: Superintendent				Date: 05/09/2012			
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>											
Staff Name ( <i>type or print</i> ):				Staff Signature:				Date:			
Unit Manager ( <i>type or print</i> ):				Unit Manager Signature:				Date:			
Division Director ( <i>type or print</i> ):				Division Director Signature:				Date:			
Deputy ( <i>type or print</i> ):				Deputy Signature:				Date:			

**Carl D. Perkins Career and Technical Education Improvement Act  
Fed-04-2012**

**Attachment 4  
Page 1 of 1**

**CALIFORNIA DEPARTMENT OF EDUCATION  
FEDERAL WAIVER REQUEST**

*Carl D. Perkins Program Waiver*

FW-1 (Rev. 10-2-2009) <http://www.cde.ca.gov/re/lr/wr/>

Send Original plus one copy to:  
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1430 N Street, Room 5602  
Sacramento, CA 95814

Send electronic copy in **Word** and  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

						CD CODE					
		4	2	6	9	3	2	8			
Local educational agency: Santa Ynez Valley Union High School Name of school(s):				Contact name and Title: Kathy Bibby, Agriculture teacher				Contact person's e-mail address: kbibby@syvuhd.org			
Address: PO Box 398		(City) Santa Ynez		(State) CA		(ZIP) 93460		Phone (and extension, if necessary): 805-688-6487, x. 3219 Fax number: 805-686-3577			
Period of request: (month/day/year) (4 years maximum) From: June 1, 2012 To: May 31, 2016						Local board approval date: (Required) May 15, 2012					
<b>LEGAL CRITERIA</b>											
1. Authority for the waiver: Federal Code Section: Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270 Section 131(c)(2).											
2. Federal Code Section to be waived: Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270 Section 131(c)(1), that requires local agencies whose allocations are less than \$15,000 to enter into a consortium with other agencies for the purpose of meeting the \$15,000 minimum grant requirement.											
3. Review the revised 2009 SBE Waiver Policy at: <a href="http://www.cde.ca.gov/re/lr/wr/documents/perkinspolicyr.doc">http://www.cde.ca.gov/re/lr/wr/documents/perkinspolicyr.doc</a>  Section 131(d)(2) of the Career and Technical Education and Improvement Act of 2006 permits states to waive the consortium requirement in any case in which the local agency: <b>(a) is in a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs;</b> Circle the NCES Locale Code for your school(s): 23 31 <u>32</u> 33 41 42 43 <b>(b) demonstrates it is unable to enter into a consortium to participate in the Perkins funding.</b> Please document your efforts: Santa Ynez Valley Union High School is located in a rural, sparsely populated area. The district is the only school in the area and to our knowledge there are no consortiums in our area.											
4. Demographic Information: (District/school/program) has a student population of 1025 and is located in a _rural (urban, rural, or small city etc. ___ in Santa Barbara County.											
<b>District or County Certification</b> – I hereby certify that the information provided on this application is correct.											
Signature of Superintendent or Designee:				Title:				Date:			
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>											
Staff Name (type or print):				Staff Signature:				Date:			
Unit Manager (type or print):				Unit Manager Signature:				Date:			
Division Director (type or print):				Division Director Signature:				Date:			
Deputy (type or print):				Deputy Signature:				Date:			



**Carl D. Perkins Career and Technical Education Improvement Act  
Fed-05-2012**

**Attachment 5  
Page 1 of 1**

CALIFORNIA DEPARTMENT OF EDUCATION  
**FEDERAL WAIVER REQUEST**

*Carl D. Perkins Program Waiver*

FW-1 (Rev. 10-2-2009) <http://www.cde.ca.gov/re/lr/wr/>

Send Original plus one copy to:  
Waiver Office, California Department of Education  
430 N Street, Room 5602  
Sacramento, CA 95814

Send electronic copy in **Word** and  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

						<b>CD CODE</b>					
		4	7	3	3	3	0	9			
Local educational agency: Scott Valley USD Name of school(s): Etna High School				Contact name and Title: Debbie Miller, principal				Contact person's e-mail address: dmiller@svusd.us			
Address:		(City)	(State)	(ZIP)	Phone (and extension, if necessary): 530-467-3244 ex 13						
PO Box 721		Etna,	CA	96027	Fax number: 530-467-5763						
Period of request: (month/day/year) (4 years maximum) From: July 1, 2012 To: June 30, 2016				Local board approval date: (Required) June 20, 2012							
<b>LEGAL CRITERIA</b>											
1. Authority for the waiver: Federal Code Section: Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270 Section 131(c)(2).											
2. Federal Code Section to be waived: Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270 Section 131(c)(1), that requires local agencies whose allocations are less than \$15,000 to enter into a consortium with other agencies for the purpose of meeting the \$15,000 minimum grant requirement.											
3. Review the revised 2009 SBE Waiver Policy at: <a href="http://www.cde.ca.gov/re/lr/wr/documents/perkinspolicyr.doc">http://www.cde.ca.gov/re/lr/wr/documents/perkinspolicyr.doc</a>											
Section 131(d)(2) of the Career and Technical Education and Improvement Act of 2006 permits states to waive the consortium requirement in any case in which the local agency: <div align="center"> <b>(a) is in a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs;</b> </div> Circle the NCES Locale Code for your school(s):    23    31    32    33    41    42 <span style="border: 1px solid black; padding: 0 2px;">43</span> <div align="center"> <b>(b) demonstrates it is unable to enter into a consortium to participate in the Perkins funding.</b> </div>											
Please document your efforts: Scott Valley Unified School District is a small, very rural district in northern Siskiyou County. All districts here are at great distance from one another with the nearest being over 30 miles away over a mountain pass.											
4. Demographic Information: (District/school/program) has a student population of <u>  186  </u> and is located in a <u>      </u> (urban, rural, or small city etc. <u>  </u> in <u>  Siskiyou  </u> County.											
<b>District or County Certification</b> – I hereby certify that the information provided on this application is correct.											
Signature of Superintendent or Designee:				Title:				Date:			
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>											
Staff Name (type or print):				Staff Signature:				Date:			
Unit Manager (type or print):				Unit Manager Signature:				Date:			
Division Director (type or print):				Division Director Signature:				Date:			
Deputy (type or print):				Deputy Signature:				Date:			

**CALIFORNIA DEPARTMENT OF EDUCATION  
FEDERAL WAIVER REQUEST**

*Carl D. Perkins Program Waiver*

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Sacramento, CA 95814

Send electronic copy in **Word** and  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		53	3	3	7	4	5	6
Local educational agency: Trinity Alps Unified School District for		Contact name and Title: Ed Traverso			Contact person's e-mail address: etraverso@tcoek12.org			
Name of school(s): Trinity High School								
Address: (City) (State) (ZIP) 321 Victory Lane P.O. Box 1227 Weaverville CA 9693		Phone (and extension, if necessary): 530-623-6104 Ext. 252 Fax number: 530-623-3418						
Period of request: (month/day/year) (4 years maximum) From: July 1, 2012 To: June 30, 2016		Local board approval date: (Required) May 9, 2012						
<b>LEGAL CRITERIA</b>								
1. Authority for the waiver: Federal Code Section: Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270 Section 131(c)(2).								
2. Federal Code Section to be waived: Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270 Section 131(c)(1), that requires local agencies whose allocations are less than \$15,000 to enter into a consortium with other agencies for the purpose of meeting the \$15,000 minimum grant requirement.								
3. Review the revised 2009 SBE Waiver Policy at: <a href="http://www.cde.ca.gov/re/lr/wr/documents/perkinspolicyr.doc">http://www.cde.ca.gov/re/lr/wr/documents/perkinspolicyr.doc</a>								
Section 131(d)(2) of the Career and Technical Education and Improvement Act of 2006 permits states to waive the consortium requirement in any case in which the local agency:								
<b>(a) is in a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs;</b>								
Circle the NCES Locale Code for your school(s): 23 31 32 33 41 42 <u>43</u>								
<b>(b) demonstrates it is unable to enter into a consortium to participate in the Perkins funding.</b>								
Please document your efforts: Trinity High School (THS) is located 45 miles away from the nearest high school, (Hayfork High) over a 2 lane winding road. Hayfork High is less than one third the size of THS. Both are rural schools located in Trinity County.								
4. Demographic Information: (District/school/program) has a student population of 383 and is located in a rural, unincorporated area along Highway 299, 45 miles West of Redding and 33 miles North of Hayfork in Trinity County.								
<b>District or County Certification – I hereby certify that the information provided on this application is correct.</b>								
Signature of Superintendent or Designee: Ed Traverso		Title: Superintendent			Date: May 16, 2012			
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>								
Staff Name (type or print):		Staff Signature:			Date:			
Unit Manager (type or print):		Unit Manager Signature:			Date:			
Division Director (type or print):		Division Director Signature:			Date:			
Deputy (type or print):		Deputy Signature:			Date:			

CALIFORNIA DEPARTMENT OF EDUCATION  
**FEDERAL WAIVER REQUEST**

*Carl D. Perkins Program Waiver*

FW-1 (Rev. 10-2-2009) <http://www.cde.ca.gov/re/lr/wr/>

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1430 N Street, Room 5602  
Sacramento, CA 95814

Send electronic copy in **Word** and  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		1	7	6	4	0	7	1
Local educational agency: <b>Upper Lake High School District</b>			Contact name and Title: <b>Patrick Iaccino Superintendent/Principal</b>			Contact person's e-mail address: <a href="mailto:piaccino@ulhs.k12.ca.us">piaccino@ulhs.k12.ca.us</a>		
Name of school(s):								
Address: (City) (State) (ZIP)		Phone (and extension, if necessary):						
<b>675 Clover Valley Road Upper Lake CA 95485</b>		<b>(707) 275-2655</b>						
		Fax number: <b>(707) 275-9750</b>						
Period of request: (month/day/year) (4 years maximum)				Local board approval date: (Required)				
From: <b>July 1, 2012</b> To: <b>June 30, 2016</b>				<b>May 9, 2012</b>				
<b>LEGAL CRITERIA</b>								
1. Authority for the waiver: Federal Code Section: Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270 Section 131(c)(2).								
2. Federal Code Section to be waived: Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270 Section 131(c)(1), that requires local agencies whose allocations are less than \$15,000 to enter into a consortium with other agencies for the purpose of meeting the \$15,000 minimum grant requirement.								
3. Review the revised 2009 SBE Waiver Policy at: <a href="http://www.cde.ca.gov/re/lr/wr/documents/perkinspolicyr.doc">http://www.cde.ca.gov/re/lr/wr/documents/perkinspolicyr.doc</a>								
Section 131(d)(2) of the Career and Technical Education and Improvement Act of 2006 permits states to waive the consortium requirement in any case in which the local agency:								
<b>(a) is in a rural, sparsely populated area, or is a public charter school operating secondary vocational and technical education programs;</b>								
Circle the NCES Locale Code for your school(s): 23 31 32 33 <u>41</u> 42 43								
<b>(b) demonstrates it is unable to enter into a consortium to participate in the Perkins funding.</b>								
Please document your efforts: <b>Please see attached letter demonstrating that the LEA is unable to enter into a consortium.</b>								
4. Demographic Information: (District/school/program) has a student population of 363 and is located in a rural (urban, rural, or small city etc. City in Lake County).								
<b>District or County Certification – I hereby certify that the information provided on this application is correct.</b>								
Signature of Superintendent or Designee: <b>Electronic verification. Original signature page by mail.</b>			Title: <b>Superintendent / Principal</b>			Date: <b>May 9, 2012</b>		
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>								
Staff Name (type or print):			Staff Signature:			Date:		
Unit Manager (type or print):			Unit Manager Signature:			Date:		
Division Director (type or print):			Division Director Signature:			Date:		
Deputy (type or print):			Deputy Signature:			Date:		

May 4, 2012

Waiver Office, California Department of Education  
1430 N Street, Room 5602  
Sacramento, CA 95814

RE: Upper Lake High School  
Carl D. Perkins Program Waiver

Please find attached hereto an original plus one copy of the Federal Waiver Request.

Pursuant to the fact that Upper Lake High School is in a rural, sparsely populated area, we are unable to participate in a consortium with other school districts within Lake County. The closest school district from Upper Lake is a 20-minute drive.

The Application was electronically submitted April 27, 2012.

Sincerely,

*Electronically signed*

Patrick Iaccino  
Superintendent/Principal  
Upper Lake Union High School District

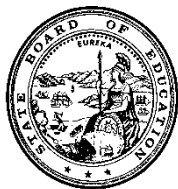
PI:dmm  
Enc. (Waiver in Word Format)



# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM W-03**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### ☒ Specific Waiver

SUBJECT	
<p>Request by <b>three local educational agencies</b> to waive California <i>Education Code</i> Section 51224.5(b), the requirement that all students graduating in the 2011–12 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation, for three special education students based on <i>Education Code</i> Section 56101, the special education waiver authority.</p> <p>Waiver Numbers:</p> <p style="padding-left: 40px;">Conejo Valley Unified School District 28-6-2012 Humboldt County Office of Education 24-5-2012 Southern Trinity Joint Unified School District 10-6-2012</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p> <p><input checked="" type="checkbox"/> <b>Consent</b></p>

#### RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the request to waive only the requirement that three students successfully complete a course in Algebra I (or its equivalent) for the 2011–12 school year. The students have met other course requirements stipulated by the governing board of the school district and California *Education Code (EC)* Section 51225.3 in order to receive a high school diploma.

#### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In 2000, *EC* Section 51224.5 was enacted to require students to complete a course in Algebra I, as a condition of receiving a high school diploma. The Algebra I requirement applied to students who were scheduled for graduation in 2003–04. All waiver requests of this type have been granted by the SBE for students with special needs.

The Conejo Valley Unified School District meets the criteria for the SBE Streamlined Waiver Policy, available at <http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc>, achieving an Academic Performance Index (API) of 800 or above in the current scoring cycle.

## **SUMMARY OF KEY ISSUES**

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For the review of this waiver request, each local education agency provided the following documentation:

- A valid, current copy of each student's individualized education program (IEP) highlighting the areas of mathematic deficiencies and how the students' needs in mathematics were addressed.
- Selected pages from each student's IEP from three previous years showing that the students were consistently on a diploma-track, and that the IEPs were written to support the students' participation in diploma-track math courses, particularly algebra.
- The specific assistance the district provided to each student which included supplementary aids, services, accommodations, test modifications, and supports to attain the diploma-track goal for the algebra requirement.
- A copy of the transcript for each student highlighting attempts to pass algebra and pre-algebra classes.
- An assessment summary that reports that each student participated in the Standardized Testing and Reporting program and failed multiple attempts to meet graduation requirements related to the algebra requirement.

The above documentation was confidentially reviewed by special education consultants and the districts provided documentation indicating that failure to approve this waiver request will result in the students not meeting graduation requirements.

The waiver request from Humboldt County Office of Education was submitted for two students initially. Subsequently, the district amended the request because one of the students chose to enroll in adult education.

All three students that are the subject of this waiver request graduated with the 2011–12 class and will receive an official diploma of graduation upon waiver approval.

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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There is no statewide fiscal impact of waiver approval.

## **ATTACHMENT(S)**

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Attachment 1: Summary Table (1 page)

Attachment 2: Conejo Valley Unified School District - Specific Waiver Request  
28-6-2012 for Algebra I Requirement (1 Page) (Original waiver request is  
signed and on file in the Waiver Office.)

Attachment 3: Humboldt County Office of Education - Specific Waiver Request  
24-5-2012 for Algebra I Requirement (1 Page) (Original waiver request is  
signed and on file in the Waiver Office.)

Attachment 4: Southern Trinity Joint Unified School District - Specific Waiver Request  
10-6-2012 for Algebra I Requirement (1 Page) (Original waiver request is  
signed and on file in the Waiver Office.)



Waiver Number	Local Educational Agency	Demographics	Period of Request	Local Board Approval Date	Meets Streamlined Waiver Policy
28-6-2012	Conejo Valley USD  One student	Conejo Valley Unified School District has a student population of 20,722 and is located in Thousand Oaks in Ventura County.	Period of Request: 8/24/2011 – 6/08/2012  Period Recommended: 8/24/2011 – 6/08/2012	2/12/2012	Yes
24-5-2012	Humboldt County Office of Education  One student	Humboldt County Office of Education has a student population of 470 and is located in rural Humboldt County	Period of Request: 8/29/2011 – 6/15/2012  Period Recommended: 8/29/2011 – 6/15/2012	5/08/2012	No
10-6-2012	Southern Trinity Joint USD  One student	Southern Trinity Joint Unified School District has a student population of 118 and is located in rural Trinity County.	Period of Request: 1/31/2012 – 6/30/2012  Period Recommended: 1/31/2012 – 6/30/2012	5/24/2012	No

**28-6-2012****Algebra I Requirement****Attachment 2****Page 1 of 1**

CALIFORNIA DEPARTMENT OF EDUCATION

**SPECIFIC WAIVER REQUEST**AIGR-1 (Rev. 10-2-2009) <http://www.cde.ca.gov/re/lr/wr/>**Waiver of Algebra I Graduation****Requirements for Pupils with Disabilities**

Send Original to:

Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send electronic copy in **Word** andback-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		<b>CDS CODE</b>				
Local educational agency:		Contact name and recipient of approval/denial notice:			Contact person's e-mail address:	
Conejo Valley Unified School District		Dr. Antonio Castro			acastro@conejouisd.org	
Address: (City)		(State)	(ZIP)	Phone (and extension, if necessary):		
1400 E. Janss Road Thousand Oaks,		CA	91360	805-497-9511 x222		
				Fax number: 805-497-8058		
Period of request: (month/day/year)		Local board approval date <b>or</b> SELPA signature date (required)				
From: 8/24/2011 To: 6/08/2012		2-12-2012				
<b>LEGAL CRITERIA</b>						
<p><b>1. Authority for the waiver: X</b> Specific code section: <b>EC 56101</b></p> <p>56101(a) Any district, special education local plan area, county office, or public education agency, as defined in Section 56500, may request the board to grant a waiver of any provision of this code or regulations adopted pursuant to that provision if the waiver is necessary or beneficial to the content and implementation of the pupil's individualized education program and does not abrogate any right provided individuals with exceptional needs and their parents or guardians under...(IDEA)... or to the compliance of a district, special education local plan area, or county office with...(IDEA)...and federal regulations relating thereto.</p> <p>(b) The board may grant, in whole or in part, any request pursuant to subdivision (a) when the facts indicate that failure to do so would hinder implementation of the pupil's individualized education program or compliance by a district, special education local plan area, or county office with federal mandates for a free, appropriate education for children or youth with disabilities.</p>						
<p><b>Education Code or California Code of Regulations section to be waived.</b></p> <p>51224.5 (a) The adopted course of study for grades 7 to 12, inclusive, shall include algebra as part of the mathematics area of study pursuant to subdivision (f) of Section 51220.</p> <p>(b) Commencing with the 2003-04 school year and each year thereafter, at least one course, or a combination of the two courses, in mathematics required to be completed pursuant to subparagraph (B) of paragraph (1) of subdivision (a) of Section 51225.3 by pupils while in grades 9 to 12, inclusive, prior to receiving a diploma of graduation from high school, shall meet or exceed the rigor of the content standards for Algebra I, as adopted by the State Board of Education pursuant to Section 60605.</p>						
<p><b>Desired outcome/rationale.</b></p> <p>Request a waiver of the (above) Algebra I graduation requirement for _____1____ pupils with disabilities, who are seniors, and are otherwise eligible to graduate in the ____2011-2012____ school year under current statute.</p>						
<b>District/County/SELPA Certification – I hereby certify that the information provided on this application is correct &amp; complete.</b>						
Signature of Superintendent or Designee:		Title:			Date:	
Signature of SELPA Director (only if a Special Education Waiver)					Date:	
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>						
Staff Name (type or print):		Staff Signature:			Date:	
Unit Manager (type or print):		Unit Manager Signature:			Date:	
Division Director (type or print):		Division Director Signature:			Date:	
Deputy (type or print):		Deputy Signature:			Date:	

CALIFORNIA DEPARTMENT OF EDUCATION

**SPECIFIC WAIVER REQUEST**AIGR-1 (Rev. 10-2-2009) <http://www.cde.ca.gov/re/lr/wr/>**Waiver of Algebra I Graduation****Requirements for Pupils with Disabilities**

Send Original to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		<b>CDS CODE</b>							
Local educational agency: Humboldt County Office of Education Court/Community Schools		Contact name and recipient of approval/denial notice: Laura Madjedi, RST			Contact person's e-mail address: lmadjedi@ humboldt.k12.ca.us				
Address: (City) (State) (ZIP) Educational Resource Center 1820 6 <sup>th</sup> Street Eureka CA 95501		Phone (and extension, if necessary): (707) 445-7108 Fax number: (707) 445-7071							
Period of request: (month/day/year) From: 8-2011 To: 6-2012		Local board approval date <b>or</b> SELPA signature date (required) Mindy Fattig, SELPA Director May 8, 2012							

**LEGAL CRITERIA****2. Authority for the waiver: X** Specific code section: **EC 56101**

56101(a) Any district, special education local plan area, county office, or public education agency, as defined in Section 56500, may request the board to grant a waiver of any provision of this code or regulations adopted pursuant to that provision if the waiver is necessary or beneficial to the content and implementation of the pupil's individualized education program and does not abrogate any right provided individuals with exceptional needs and their parents or guardians under...(IDEA)... or to the compliance of a district, special education local plan area, or county office with...(IDEA)...and federal regulations relating thereto.

(b) The board may grant, in whole or in part, any request pursuant to subdivision (a) when the facts indicate that failure to do so would hinder implementation of the pupil's individualized education program or compliance by a district, special education local plan area, or county office with federal mandates for a free, appropriate education for children or youth with disabilities.

**Education Code or California Code of Regulations section to be waived.**

51224.5 (a) The adopted course of study for grades 7 to 12, inclusive, shall include algebra as part of the mathematics area of study pursuant to subdivision (f) of Section 51220.

(b) Commencing with the 2003-04 school year and each year thereafter, at least one course, or a combination of the two courses, in mathematics required to be completed pursuant to subparagraph (B) of paragraph (1) of subdivision (a) of Section 51225.3 by pupils while in grades 9 to 12, inclusive, prior to receiving a diploma of graduation from high school, shall meet or exceed the rigor of the content standards for Algebra I, as adopted by the State Board of Education pursuant to Section 60605.

**Desired outcome/rationale.**

Request a waiver of the (above) Algebra I graduation requirement for 2 pupils with disabilities, who are seniors, and are otherwise eligible to graduate in the 2011-2012 school year under current statute.

**District/County/SELPA Certification – I hereby certify that the information provided on this application is correct & complete.**

Signature of Superintendent or Designee: Mindy Fattig	Title: SELPA Director	Date: 5/14/2012
Signature of SELPA Director (only if a Special Education Waiver)		Date:

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

Staff Name (type or print):	Staff Signature:	Date:
Unit Manager (type or print):	Unit Manager Signature:	Date:
Division Director (type or print):	Division Director Signature:	Date:
Deputy (type or print):	Deputy Signature:	Date:

10-6-2012

Algebra I Requirement

Attachment 4

Page 1 of 1

**CALIFORNIA DEPARTMENT OF EDUCATION**  
**SPECIFIC WAIVER REQUEST**

AIGR-1 (Rev. 10-2-2009) <http://www.cde.ca.gov/re/lr/wr/>

Send Original to:

Waiver Office, California Department of Education

1430 N Street, Suite 5602, Sacramento, CA 95814

**Waiver of Algebra I Graduation**  
**Requirements for Pupils with Disabilities**

Send electronic copy in **Word** andback-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

CDS CODE

5	3	3	7	4	2	3
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Local educational agency:  Southern Trinity Joint Unified School District		Contact name and recipient of approval/denial notice: Peggy Canale		Contact person's e-mail address: pcanale@tcoek12.org	
Address: 680 Van Duzen Road		(City) Bridgeville	(State) CA	(ZIP) 95552	Phone (and extension, if necessary): 707-574-6237 Fax number: 707-574-6538
Period of request: (month/day/year) From: 1/31/12 To: 6/30/2012			Local board approval date or SELPA signature date (required) May 24, 2012		

**LEGAL CRITERIA****3. Authority for the waiver: X** Specific code section: **EC 56101**

56101(a) Any district, special education local plan area, county office, or public education agency, as defined in Section 56500, may request the board to grant a waiver of any provision of this code or regulations adopted pursuant to that provision if the waiver is necessary or beneficial to the content and implementation of the pupil's individualized education program and does not abrogate any right provided individuals with exceptional needs and their parents or guardians under...(IDEA)... or to the compliance of a district, special education local plan area, or county office with...(IDEA)...and federal regulations relating thereto.

(b) The board may grant, in whole or in part, any request pursuant to subdivision (a) when the facts indicate that failure to do so would hinder implementation of the pupil's individualized education program or compliance by a district, special education local plan area, or county office with federal mandates for a free, appropriate education for children or youth with disabilities.

**Education Code or California Code of Regulations section to be waived.**

51224.5 (a) The adopted course of study for grades 7 to 12, inclusive, shall include algebra as part of the mathematics area of study pursuant to subdivision (f) of Section 51220.

(b) Commencing with the 2003-04 school year and each year thereafter, at least one course, or a combination of the two courses, in mathematics required to be completed pursuant to subparagraph (B) of paragraph (1) of subdivision (a) of Section 51225.3 by pupils while in grades 9 to 12, inclusive, prior to receiving a diploma of graduation from high school, shall meet or exceed the rigor of the content standards for Algebra I, as adopted by the State Board of Education pursuant to Section 60605.

**Desired outcome/rationale.**

Request a waiver of the (above) Algebra I graduation requirement for one pupils with disabilities, who are seniors, and are otherwise eligible to graduate in the 2011-12 school year under current statute.

**District/County/SELPA Certification** – I hereby certify that the information provided on this application is correct & complete.

Signature of Superintendent or Designee:	Title:	Date:
Signature of SELPA Director (only if a Special Education Waiver)		Date:

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

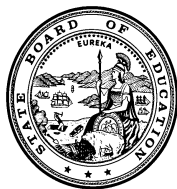
Staff Name (type or print):	Staff Signature:	Date:
Unit Manager (type or print):	Unit Manager Signature:	Date:
Division Director (type or print):	Division Director Signature:	Date:
Deputy (type or print):	Deputy Signature:	Date:



# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM W-04**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### ☒ General Waiver

SUBJECT	<input checked="" type="checkbox"/> Action  <input checked="" type="checkbox"/> Consent
Request by <b>Big Springs Union Elementary School District</b> to waive a portion of California <i>Education Code</i> Section 35330(b)(3) to authorize expenditures of school district funds for students to travel to Oregon to attend curricular and extracurricular trips/events.	
Waiver Number: 8-6-2012	

#### RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education (CDE) recommends approval to waive a portion of California *Education Code* (EC) Section 35330(b)(3) to authorize expenditures of school district funds for Big Springs Union Elementary School District (UESD) students to travel to Oregon to attend economically prudent curricular and extracurricular trips/events.

*Education Code* Section 33051(b) will apply, and the district is not required to reapply annually if the information contained on the request remains current.

#### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved all similar waivers in the past.

#### SUMMARY OF KEY ISSUES

*Education Code* Section 35330(b)(3) states, "...no expenses of pupils participating in a field trip or excursion to any other state, the District of Columbia, or a foreign country authorized by this section shall be paid with school district funds."

Big Springs UESD requests a waiver of *EC* Section 35330(b)(3). Big Springs UESD is located in the far northern part of California, 22 miles from the Oregon border, and is a geographically rural and isolated area.

Oregon offers social, cultural, and educational opportunities not available locally. The nearest small city in California is Redding, which is 90 miles south. Without financial help from the district, the trips would not be possible.

Based on the reasons provided by the district for traveling to Oregon, CDE recommends approval of this waiver request to attend curricular and extracurricular trips/events in Oregon.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC Section 33051(a), available at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053>.**

**Demographic Information:** Big Springs UESD has a student population of 137 and is located in a rural area in Siskiyou County.

**Authority for Waiver:** EC Section 33050

**Period of request:** January 1, 2012 to June 30, 2013

**Recommended period of request:** January 1, 2012 to January 1, 2014

**Local board approval date(s):** February 21, 2012

**Public hearing held on date(s):** July 9, 2012

**Bargaining unit(s) consulted on date(s):** District has no bargaining units

**Name of bargaining unit/representative(s) consulted:** District has no bargaining units

**Public hearing advertised by (choose one or more):**

☐ posting in a newspaper    ☒ posting at each school    ☐ other (specify)

**Advisory committee(s) consulted:** School Site Council

**Objections raised (choose one):** ☒ None    ☐ Objections are as follows:

**Date(s) consulted:** June 8, 2012

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**FISCAL ANALYSIS (AS APPROPRIATE)**

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There is no statewide fiscal impact from waiver approval.

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**ATTACHMENT(S)**

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Attachment 1: General Waiver Request (2 pages) (Original waiver request is signed and on file in the Waiver Office)

CALIFORNIA DEPARTMENT OF EDUCATION

**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09)

<http://www.cde.ca.gov/re/lr/wr/>First Time Waiver:   X  Renewal Waiver:       

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		4	7	7	0	1	8	5
Local educational agency:  Big Springs Union Elem. School District		Contact name and Title:  James D. Pindell			Contact person's e-mail address: jpindell@sisnet.ssku.k12.ca.us			
Address: (City) (State) (ZIP)  1704 Hwy A-12 Montague CA 96064		Phone (and extension, if necessary): 530-459-3189  Fax Number: 530-459-3201						
Period of request: (month/day/year) From: Jan 1, 2012 To: June 30, 2013		Local board approval date: (Required) 2-21-2012			Date of public hearing: (Required) 7-9-2012			
<b>Per Constance CG 3/24/11 LEGAL CRITERIA</b>								
1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the particular <i>Education Code</i> or <i>California Code of Regulations</i> section(s) to be waived (number): _____ Circle One: <b>EC</b> or <i>CCR</i>  Topic of the waiver: Out of State field trips								
2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval _____ Renewals of waivers must be submitted two months before the active waiver expires.								
3. Collective bargaining unit information. Does the district have any employee bargaining units? <u>  X  </u> No <u>  </u> Yes If yes, please complete required information below:  Bargaining unit(s) consulted on date(s): _____  Name of bargaining unit and representative(s) consulted: _____  The position(s) of the bargaining unit(s): <u>  </u> Neutral <u>  </u> Support <u>  </u> Oppose ( <i>Please specify why</i> )  Comments (if appropriate): _____								
4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.  How was the required public hearing advertised?  <u>  </u> Notice in a newspaper <u>  X  </u> Notice posted at each school <u>  </u> Other: ( <i>Please specify</i> )								
5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  Date the committee/council reviewed the waiver request: June 8, 2012 School Site Council  Were there any objection(s)? No <u>  X  </u> Yes <u>  </u> ( <i>If there were objections please specify</i> )								



CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**  
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

EC35330 – In conducting field trips and excursions, governing boards may NOT... Use school funds to pay the expenses of pupils participating in a field trip or excursion to another state...

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

We would like to be able to pay for student admissions and cost of transportation to events in Oregon. Many locations in Oregon are considerably closer than other venues in California. We are only 22 miles south of the Oregon border in northern California. By contrast, the nearest small city in California is Redding California 90+ miles to the south.

8. Demographic Information:  
(*District/school/program*) Big Springs ESD has a student population of 137 and is located in a rural community (*urban, rural, or small city etc.*) in Siskiyou County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** No ☒ Yes ☐  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No ☒ Yes ☐  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

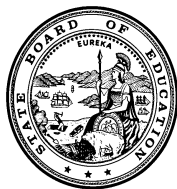
Signature of Superintendent or Designee:	Title:	Date:
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:



# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM W-05**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER AGENDA

#### ☒ General Waiver

##### SUBJECT

Request by seven local educational agencies to waive the State Testing Apportionment Information Report deadline of December 31 in the *California Code of Regulations*, Title 5, Section 11517.5(b)(1)(A) regarding the California English Language Development Test; or Title 5, Section 1225(b)(2)(A) regarding the California High School Exit Examination; or Title 5, Section 862(c)(2)(A) regarding the Standardized Testing and Reporting Program.

##### Waiver Numbers:

Fountain Valley Elementary School District 35-5-2012  
Lawndale Elementary School District 36-5-2012  
Montebello Unified School District 20-6-2012  
San Rafael City Elementary School District 21-5-2012  
San Rafael City High School District 20-5-2012  
Scott Valley Unified School District 22-5-2102  
Thermalito Union Elementary School District 28-5-2012

☒ Action

☒ Consent

##### RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

##### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved all waiver requests since the deadline for submission of the State Testing Apportionment Information Reports was added to the *California Code of Regulations (CCR)*, and the SBE Waiver Policy 08-#: State Testing Apportionment Information Report Deadline (available at <http://www.cde.ca.gov/re/lr/wr/documents/statetesting.doc>).

##### SUMMARY OF KEY ISSUES

The regulations for the State Testing Apportionment Information Report were amended in 2005 to include an annual deadline of December 31 for the return of the Apportionment Information Report for prior year testing for the California English Language Development Test (CELDT), the California High School Exit Examination (CAHSEE), and the Standardized Testing and Reporting (STAR) Program. The California Department of Education (CDE) sent letters in September 2005 announcing the new deadline in regulations to every LEA. This deadline was enacted to speed the

process of final reimbursement of testing costs to the LEAs.

The LEAs filing for this waiver request missed the 2009-10 or 2010-11 fiscal year deadlines for requesting reimbursement due to budget cuts, reduction in staff, changes in administrative staff, and misfiled documents. Staff verified that these LEAs needed the waiver and that each LEA had submitted its report after the deadline.

These LEAs are now all aware of this important change in the timeline and understand that they must submit their reports to the Assessment Development and Administration Division for reimbursement. Therefore, the CDE recommends the approval of these waiver requests as required by regulation prior to final reimbursement.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a), available at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053>.**

**Authority for Waiver:** EC Section 33050

**Period of request:** See Attachment 1

**Local board approval date(s):** Various dates

**Public hearing held on date(s):** Various dates

**Bargaining unit(s) consulted on date(s):** Various dates

**Name of bargaining unit/representative(s) consulted:** Various

**Position of bargaining unit(s) (choose only one):**

☐ Neutral ☒ Support ☐ Oppose

**Public hearing advertised by (choose one or more):**

☒ posting in a newspaper ☒ posting at each school ☒ Web site, district office, library, or board agenda

**Objections raised (choose one):** ☒ None ☐ Objections are as follows:

**Date(s) consulted:** Various dates

### **FISCAL ANALYSIS (AS APPROPRIATE)**

If the waivers are approved, these LEAs will be reimbursed for the costs of the STAR, CAHSEE, or the CELDT for the 2009-10 or 2010-11 school years. Total costs are indicated on Attachment 1.

### **ATTACHMENT(S)**

Attachment 1: Local Educational Agencies Requesting Waiver of State Testing

Apportionment Information Report Deadline - July 2012  
(3 Pages)

- Attachment 2: Fountain Valley Elementary School District Waiver Request 35-5-2012 (1 Page) (Original waiver request is signed and on file at the Waiver Office)
- Attachment 3: Lawndale Elementary School District Waiver Request 36-5-2012 (1 Page) (Original waiver request is signed and on file in Waiver Office)
- Attachment 4: Montebello Unified School District Waiver Request 20-6-2012 (1 Page) (Original waiver request is signed and on file in the Waiver Office)
- Attachment 5: San Rafael City Elementary School District Waiver Request 21-5-2012 (1 Page) (Original waiver request is signed and on file in the Waiver Office)
- Attachment 6: San Rafael City High School District Waiver Request 20-5-2012 (1 Page) (Original waiver request is signed and on file in the Waiver Office)
- Attachment 7: Scott Valley Unified School District Waiver Request 22-5-2012 (1 Page) (Original waiver request is signed and on file in the Waiver Office)
- Attachment 8: Thermalito Union Elementary School District Waiver Request 28-5-2012 (1 Page) (Original waiver request is signed and on file in the Waiver Office)

**Local Educational Agencies Requesting Waiver of  
State Testing Apportionment Information Report Deadline – September 2012**

<b>Local Educational Agency</b>	<b>Waiver Number</b>	<b>Period of Request</b>	<b>Test Report Missing</b>	<b>Report Submitted</b>	<b>Fiscal Year</b>	<b>Reimbursement Amount</b>	<b>Union Position</b>	<b>Streamlined Waiver Policy - API</b>
Fountain Valley Elementary School District	35-5-2012	<b>Requested</b> 7-1-2010 to 6-30-2011 <b>Recommended</b> 12-31-2010 to 9-13-2012	California English Language Development Test (CELDT)	Yes	2009-10	\$3,760.00	Support	Yes
Lawndale Elementary School District	36-5-2012	<b>Requested</b> 12-31-2011 to 9-13-2012 <b>Recommended</b> 12-31-2011 to 9-13-2012	Standardized Testing and Reporting (STAR)	Yes	2010–11	\$11,497.50	Support	Yes
Montebello Unified School District	20-6-2012	<b>Requested</b> 7-1-2010 to 6-30-2011 <b>Recommended</b> 12-31-2011 to 9-13-2012	CELDT	Yes	2010–11	\$56,675.00	Support	No
San Rafael City Elementary School District	21-5-2012	<b>Requested</b> 12-31-2011 to 5-8-2012 <b>Recommended</b> 12-31-2011 to 9-13-2012	STAR	Yes	2010–11	\$7430.02	Support	Yes

Local Educational Agency	Waiver Number	Period of Request	Test Report Missing	Report Submitted	Fiscal Year	Reimbursement Amount	Union Position	Streamlined Waiver Policy - API
San Rafael City Elementary School District	21-5-2012	<b>Requested</b> 12-31-2011 to 5-8-2012 <b>Recommended</b> 12-31-2011 to 9-13-2012	CELDT	Yes	2010–11	\$9,495.00	Support	Yes
San Rafael City High School District	20-5-2012	<b>Requested</b> 12-31-2011 to 5-8-2012 <b>Recommended</b> 12-31-2011 to 9-13-2012	STAR	Yes	2010–11	\$3,867.84	Support	No
San Rafael City High School District	20-5-2012	<b>Requested</b> 12-31-2011 to 5-8-2012 <b>Recommended</b> 12-31-2011 to 9-13-2012	California High School Exit Examination (CAHSEE)	Yes	2010–11	\$2,692.92	Support	No
San Rafael City High School District	20-5-2012	<b>Requested</b> 12-31-2011 to 5-8-2012 <b>Recommended</b> 12-31-2011 to 9-13-2012	CELDT	Yes	2010–11	\$1,620.00	Support	No

Local Educational Agency	Waiver Number	Period of Request	Test Report Missing	Report Submitted	Fiscal Year	Reimbursement Amount	Union Position	Streamlined Waiver Policy - API
Scott Valley Unified School District	22-5-2012	<b>Requested</b> 7-1-2010 to 6-30-2011 <b>Recommended</b> 12-31-2011 to 9-13-2012	CAHSEE	Yes	2010–11	\$300.96	Support	Yes
Thermalito Union Elementary School District	28-5-2012	<b>Requested</b> 7-1-2010 to 6-30-2011 <b>Recommended</b> 12-31-2011 to 9-13-2012	CELDT	Yes	2010–11	\$1,560.00	Support	No



35-5-2012

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**

AIRW (10-2-2009) <http://www.cde.ca.gov/re/lr/wr/>

**STATE TESTING  
APPORTIONMENT INFORMATION  
REPORT WAIVER**

Send original plus one copy to:  
copy in **Word** and Waiver Office, California Department of Education  
[waiver@cde.ca.gov](mailto:waiver@cde.ca.gov) 1430 N Street, Suite 5602  
Sacramento, CA 95814

Send electronic  
back-up material to:

		CD CODE						
		3	0	6	6	4	9	8
Local educational agency: <b>Fountain Valley School District</b>		Contact name and recipient of approval/denial notice: <b>Julianne Hoefer</b>				Contact person's e-mail address: <b>HoeferJ@fvsd.us</b>		
Address: (City) (ZIP) <b>10055 Slater Avenue Fountain Valley</b>		Phone (and extension, if necessary): <b>714.843.3268</b> Fax number: <b>714.843.6777</b>						
Period of request: <b>From 7/1/2010 to 6/30/2011</b>		Local board approval date: (Required) <b>May 17, 2012</b>				Date of public hearing: (Required) <b>May 17, 2012</b>		
<b>LEGAL CRITERIA</b>								
1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the <i>California Code of Regulations (CCR)</i> section(s) to be waived (check one): <input type="checkbox"/> STAR – CCR, Title 5, Section 862(c)(2)(A) ...postmarked by December 31... <input type="checkbox"/> CAHSEE – CCR, Title 5, Section 1225(b)(2)(A) ...postmarked by December 31... <input checked="" type="checkbox"/> CELDT – CCR, Title 5, Section 11517.5(b)(1)(A) ...postmarked by December 31...								
2. Collective bargaining unit information. Does the district have any employee bargaining units? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes, please complete required information below. This requirement can be achieved with a telephone call. It is vital to complete this section as not consulting the bargaining units is a reason for denial of a general waiver request.  Bargaining unit(s) consulted on date(s): <b>April 30, 2012</b> Name of bargaining unit and representative(s) consulted: <b>1. California School Employees Association-Martin Headland-Wauson , President</b> <b>2. Fountain Valley Education Association-Ed Eldridge, President</b> The position(s) of the bargaining unit(s): <input type="checkbox"/> Neutral <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose ( <i>Please specify why</i> )								
3. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.  How was the required public hearing advertised? <input type="checkbox"/> Notice in a newspaper <input type="checkbox"/> Notice posted at each school <input checked="" type="checkbox"/> Other: ( <i>Please specify</i> ) <b>Posted at District Office</b>								
4. Describe briefly the circumstances that caused you to miss the apportionment deadline(s). (If more space is needed, please attach additional pages.) <b>Due to budget cutbacks and reduction in staff, the CELDT Apportionment Report was inadvertently not submitted by the 12/31/2010 deadline.</b>								
5. Describe guidelines that have been put into place for staff so that this deadline will not be missed in the future. <b>Date for report completion will be added to calendar well prior to deadline.</b>								
<b>District or County Certification – I hereby certify that the information provided on this application is correct and complete.</b>								
Signature of Superintendent or Designee:		Title: <b>Superintendent</b>				Date:		
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>								
Staff Name ( <i>type or print</i> ):		Staff Signature:				Date:		
Unit Manager ( <i>type or print</i> ):		Unit Manager Signature:				Date:		
Deputy ( <i>type or print</i> ):		Deputy Signature:				Date:		

**36-5-2012**

CALIFORNIA DEPARTMENT OF EDUCATION

**GENERAL WAIVER REQUEST**

AIRW (10-2-2009) <http://www.cde.ca.gov/re/lr/wr/>

**STATE TESTING  
APPORTIONMENT INFORMATION  
REPORT WAIVER**

Send original plus one copy to:

**Word** and

Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send electronic copy in

back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		1	9	6	4	6	9	1
Local educational agency: Lawndale Elementary School District		Contact name and recipient of approval/denial notice: Betsy Hamilton				Contact person's e-mail address: betsy_hamilton @lawndale.k12.ca.us		
Address: (City) (ZIP) 4161 W. 147 <sup>th</sup> St. Lawndale 90260		Phone (and extension, if necessary): 310-973-1300 ext. 1234 Fax number: 310-263-6497						
Period of request: From 12/31/11 to 9/13/12		Local board approval date: (Required) 6/5/12				Date of public hearing: (Required) 6/5/12		
<b>LEGAL CRITERIA</b>								
1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the <i>California Code of Regulations (CCR)</i> section(s) to be waived (check one): <input checked="" type="checkbox"/> STAR – CCR, Title 5, Section 862(c)(2)(A) ...postmarked by December 31... ___ CAHSEE – CCR, Title 5, Section 1225(b)(2)(A) ...postmarked by December 31... ___ CELDT – CCR, Title 5, Section 11517.5(b)(1)(A) ...postmarked by December 31...								
2. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No <input checked="" type="checkbox"/> Yes If yes, please complete required information below. This requirement can be achieved with a telephone call. It is vital to complete this section as not consulting the bargaining units is a reason for denial of a general waiver request. Bargaining unit(s) consulted on date(s): Name of bargaining unit and representative(s) consulted: The position(s) of the bargaining unit(s): ___ Neutral <input checked="" type="checkbox"/> Support ___ Oppose ( <i>Please specify why</i> )								
3. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.  How was the required public hearing advertised? ___ Notice in a newspaper <input checked="" type="checkbox"/> Notice posted at each school ___ Other: ( <i>Please specify</i> )								
4. Describe briefly the circumstances that caused you to miss the apportionment deadline(s). (If more space is needed, please attach additional pages.) Lawndale Elementary School District does not have a record of having received notification. 5. Describe guidelines that have been put into place for staff so that this deadline will not be missed in the future. Emails will be viewed by Asst. Supt. Secretary to ensure email notifications are responded to in a timely manner								
<b>District or County Certification</b> – <i>I hereby certify that the information provided on this application is correct and complete.</i>								
Signature of Superintendent or Designee:		Title: Superintendent				Date: 5/24/12		
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>								
Staff Name ( <i>type or print</i> ):		Staff Signature:				Date:		
Unit Manager ( <i>type or print</i> ):		Unit Manager Signature:				Date:		

Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:
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**20-6-2012**

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**

AIRW (10-2-2009) <http://www.cde.ca.gov/re/lr/wr/>

**STATE TESTING  
APPORTIONMENT INFORMATION  
REPORT WAIVER**

Send original plus one copy to:  
copy in **Word** and  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send electronic  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

<b>CD CODE</b>					
1	9	6	4	8	0 8
Local educational agency:  Montebello Unified School District		Contact name and recipient of approval/denial notice: Adeline Canedo		Contact person's e-mail address: Canedo_adeline@montebello.k12.ca.us	
Address: (City) (ZIP)  123 S. Montebello Blvd., Montebello, CA 90640		Phone (and extension, if necessary): 323-887-7900 Ext. 2358 Fax number: 323-887-3196			
Period of request:  From: 7/1/2010 to 6/30/2011		Local board approval date: (Required)  June 7, 2012		Date of public hearing: (Required)  May 29, 2012	
<b>LEGAL CRITERIA</b>					
1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the <i>California Code of Regulations (CCR)</i> section(s) to be waived (check one): ___ STAR – CCR, Title 5, Section 862(c)(2)(A) ...postmarked by December 31... ___ CAHSEE – CCR, Title 5, Section 1225(b)(2)(A) ...postmarked by December 31... __X_ CELDT – CCR, Title 5, Section 11517.5(b)(1)(A) ...postmarked by December 31...					
2. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No __X_ Yes If yes, please complete required information below. This requirement can be achieved with a telephone call. It is vital to complete this section as not consulting the bargaining units is a reason for denial of a general waiver request.  Bargaining unit(s) consulted on date(s): Montebello Teachers Association – May 11, 2012 Name of bargaining unit and representative(s) consulted: Julian De La Torre The position(s) of the bargaining unit(s): ___ Neutral __X_ Support ___ Oppose ( <i>Please specify why</i> )					
3. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district. How was the required public hearing advertised? <b>3 public places in the District and at each school site.</b> ___ Notice in a newspaper ___X_ Notice posted at each school ___ Other: ( <i>Please specify</i> )					
4. Describe briefly the circumstances that caused you to miss the apportionment deadline(s). (If more space is needed, please attach additional pages.) Report was completed in November but was accidentally misfiled.					
5. Describe guidelines that have been put into place for staff so that this deadline will not be missed in the future. – In the future, as soon as the Report is completed and signed, it will be sent overnight to ensure that it is received before the deadline.					
<b>District or County Certification</b> – <i>I hereby certify that the information provided on this application is correct and complete.</i>					
Signature of Superintendent or Designee:		Title: Interim Assistant Superintendent, ISD		Date: May 25, 2012	
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>					
Staff Name ( <i>type or print</i> ):		Staff Signature:		Date:	
Unit Manager ( <i>type or print</i> ):		Unit Manager Signature:		Date:	

**20-6-2012**

Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:
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21-5-2012

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**

AIRW (10-2-2009) <http://www.cde.ca.gov/re/lr/wr/>

**STATE TESTING  
APPORTIONMENT INFORMATION  
REPORT WAIVER**

Send original plus one copy to:  
copy in **Word** and  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send electronic  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		2	1	6	5	4	5	8
Local educational agency: <b>San Rafael City Elementary School District</b>		Contact name and recipient of approval/denial notice: <b>Rebecca Rosales</b>				Contact person's e-mail address: <a href="mailto:brosales@srcs.org">brosales@srcs.org</a>		
Address: (City) (ZIP) <b>310 Nova Albion Way San Rafael 94903</b>		Phone (and extension, if necessary): <b>415-492-3222</b> Fax number: <b>415-492-3135</b>						
Period of request: From <b>12/31/11</b> to <b>5/8/12</b>		Local board approval date: (Required) <b>May 7, 2012</b>				Date of public hearing: (Required) <b>May 7, 2012</b>		
<b>LEGAL CRITERIA</b>								
1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the <i>California Code of Regulations (CCR)</i> section(s) to be waived (check one): <input checked="" type="checkbox"/> <u>X</u> STAR – CCR, Title 5, Section 862(c)(2)(A) ...postmarked by December 31... <input type="checkbox"/> CAHSEE – CCR, Title 5, Section 1225(b)(2)(A) ...postmarked by December 31... <input checked="" type="checkbox"/> <u>X</u> CELDT – CCR, Title 5, Section 11517.5(b)(1)(A) ...postmarked by December 31...								
2. Collective bargaining unit information. Does the district have any employee bargaining units? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes, please complete required information below. This requirement can be achieved with a telephone call. It is vital to complete this section as not consulting the bargaining units is a reason for denial of a general waiver request. Bargaining unit(s) consulted on date(s): <b>April 18, 2012</b> Name of bargaining unit and representative(s) consulted: <b>Katie O'Donnell (San Rafael Teachers Association), Kathy Hokanson (California School Employees Association)</b> The position(s) of the bargaining unit(s): <input type="checkbox"/> Neutral <input checked="" type="checkbox"/> <u>X</u> Support <input type="checkbox"/> Oppose ( <i>Please specify why</i> )								
3. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.  How was the required public hearing advertised? <input type="checkbox"/> Notice in a newspaper <input checked="" type="checkbox"/> <u>X</u> Notice posted at each school <input type="checkbox"/> Other: ( <i>Please specify</i> )								
4. Describe briefly the circumstances that caused you to miss the apportionment deadline(s). An internal routing error caused the district to miss the December 31 deadline to submit the signed reports.								
5. Describe guidelines that have been put into place for staff so that this deadline will not be missed in the future. <ul style="list-style-type: none"><li>• The submission of these reports has been added to the list of important deadlines.</li><li>• The district testing coordinator will track the receipt and circulation of these reports and ensure that the reports are returned to CDE prior to December 31 annually.</li></ul>								
<b>District or County Certification</b> – I hereby certify that the information provided on this application is correct and complete.								
Signature of Superintendent or Designee:		Title: <b>Superintendent</b>				Date:		
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>								
Staff Name ( <i>type or print</i> ):		Staff Signature:				Date:		
Unit Manager ( <i>type or print</i> ):		Unit Manager Signature:				Date:		

**21-5-2012**

Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:
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20-5-2012

CALIFORNIA DEPARTMENT OF EDUCATION

**GENERAL WAIVER REQUEST**

AIRW (10-2-2009) <http://www.cde.ca.gov/re/lr/wr/>

**STATE TESTING  
APPORTIONMENT INFORMATION  
REPORT WAIVER**

Send original plus one copy to:  
copy in **Word** and  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send electronic  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		2	1	6	5	4	6	6
Local educational agency:		Contact name and recipient of approval/denial notice:				Contact person's e-mail address:		
San Rafael City High School District		Rebecca Rosales				<a href="mailto:brosales@srcs.org">brosales@srcs.org</a>		
Address: (City) (ZIP)		Phone (and extension, if necessary):				Fax number:		
310 Nova Albion Way San Rafael 94903		415-492-3222				415-492-3135		
Period of request:		Local board approval date: (Required)				Date of public hearing: (Required)		
From 12/31/11 to 5/8/12		May 7, 2012				May 7, 2012		
<b>LEGAL CRITERIA</b>								
1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the <i>California Code of Regulations (CCR)</i> section(s) to be waived (check one): <input checked="" type="checkbox"/> STAR – CCR, Title 5, Section 862(c)(2)(A) ...postmarked by December 31... <input checked="" type="checkbox"/> CAHSEE – CCR, Title 5, Section 1225(b)(2)(A) ...postmarked by December 31... <input checked="" type="checkbox"/> CELDT – CCR, Title 5, Section 11517.5(b)(1)(A) ...postmarked by December 31...								
2. Collective bargaining unit information. Does the district have any employee bargaining units? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes, please complete required information below. This requirement can be achieved with a telephone call. It is vital to complete this section as not consulting the bargaining units is a reason for denial of a general waiver request. Bargaining unit(s) consulted on date(s): April 18, 2012 Name of bargaining unit and representative(s) consulted: Doug Milani (San Rafael Federation of Teachers), Kathy Hokanson (California School Employees Association) The position(s) of the bargaining unit(s): <input type="checkbox"/> Neutral <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose (Please specify why)								
3. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.  How was the required public hearing advertised? <input type="checkbox"/> Notice in a newspaper <input checked="" type="checkbox"/> Notice posted at each school <input type="checkbox"/> Other: (Please specify)								
4. Describe briefly the circumstances that caused you to miss the apportionment deadline(s). An internal routing error caused the district to miss the December 31 deadline to submit the signed reports.								
5. Describe guidelines that have been put into place for staff so that this deadline will not be missed in the future. • The submission of these reports has been added to the list of important deadlines. The district testing coordinator will track the receipt and circulation of these reports and ensure that the reports are returned to CDE prior to December 31 annually.								
<b>District or County Certification</b> – I hereby certify that the information provided on this application is correct and complete.								
Signature of Superintendent or Designee:		Title:				Date:		
		Superintendent						
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>								
Staff Name (type or print):		Staff Signature:				Date:		
Unit Manager (type or print):		Unit Manager Signature:				Date:		



State Testing Apportionment Information Report Waivers

Attachment 6

Page 1 of 1

**20-5-2012**

Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:
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**22-5-2012**

CALIFORNIA DEPARTMENT OF EDUCATION

**GENERAL WAIVER REQUEST**

AIRW (10-2-2009) <http://www.cde.ca.gov/re/lr/wr/>

**STATE TESTING  
APPORTIONMENT INFORMATION  
REPORT WAIVER**

Send original plus one copy to:  
copy in **Word** and  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send electronic  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE					
		4	7	7	6	4	5
Local educational agency: Scott Valley Unified School District		Contact name and recipient of approval/denial notice: Dr. Emily Houck				Contact person's e-mail address: ehouck@sisnet.ssku.k12.ca.us	
Address: (City) (ZIP)		Phone (and extension, if necessary): (530) 468-2727 Fax number: (530) 468-2729					
11918 Main Street/PO Box 687 Fort Jones, CA 96032							
Period of request:		Local board approval date: (Required)				Date of public hearing: (Required)	
From July 1, 2010 to June 30, 2011		April 18, 2012				April 18, 2012	
<b>LEGAL CRITERIA</b>							
<p>1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the <i>California Code of Regulations (CCR)</i> section(s) to be waived (check one):  <input type="checkbox"/> STAR – CCR, Title 5, Section 862(c)(2)(A) ...postmarked by December 31...  <input checked="" type="checkbox"/> CAHSEE – CCR, Title 5, Section 1225(b)(2)(A) ...postmarked by December 31...  <input type="checkbox"/> CELDT – CCR, Title 5, Section 11517.5(b)(1)(A) ...postmarked by December 31...</p>							
<p>2. Collective bargaining unit information. Does the district have any employee bargaining units? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, please complete required information below. This requirement can be achieved with a telephone call. It is vital to complete this section as not consulting the bargaining units is a reason for denial of a general waiver request.</p> <p>Bargaining unit(s) consulted on date(s):  Name of bargaining unit and representative(s) consulted:  The position(s) of the bargaining unit(s): <input type="checkbox"/> Neutral <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose (<i>Please specify why</i>)</p>							
<p>3. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.</p> <p>How was the required public hearing advertised?  <input type="checkbox"/> Notice in a newspaper <input checked="" type="checkbox"/> Notice posted at each school <input type="checkbox"/> Other: (<i>Please specify</i>)</p>							
<p>4. Describe briefly the circumstances that caused you to miss the apportionment deadline(s). (If more space is needed, please attach additional pages.) Original post marked by December 31<sup>st</sup> lost in mail.</p>							
<p>5. Describe guidelines that have been put into place for staff so that this deadline will not be missed in the future.</p>							
<b>District or County Certification</b> – I hereby certify that the information provided on this application is correct and complete.							
Signature of Superintendent or Designee:		Title: Superintendent				Date: 4/19/12	
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>							
Staff Name ( <i>type or print</i> ):		Staff Signature:				Date:	
Unit Manager ( <i>type or print</i> ):		Unit Manager Signature:				Date:	

State Testing Apportionment Information Report Waivers

Attachment 7

Page 1 of 1

**22-5-2012**

Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:
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**28-5-2012**

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**

AIRW (10-2-2009) <http://www.cde.ca.gov/re/lr/wr/>

**STATE TESTING  
APPORTIONMENT INFORMATION  
REPORT WAIVER**

Send original plus one copy to:  
copy in **Word** and  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send electronic  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		0	4	6	1	5	4	9
Local educational agency:  Thermalito Union School District		Contact name and recipient of approval/denial notice: Jeanette Spencer				Contact person's e-mail address: jspencer@thermalito.org		
Address: (City) (ZIP)  400 Grand Avenue, Oroville, CA 95965		Phone (and extension, if necessary): 530-538-2900 ext. 223 Fax number:						
Period of request: From July 1, 2010 to June 30, 2011		Local board approval date: (Required) May 10, 2012				Date of public hearing: (Required) May 10, 2012		
<b>LEGAL CRITERIA</b>								
1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the <i>California Code of Regulations (CCR)</i> section(s) to be waived (check one): <input type="checkbox"/> STAR – CCR, Title 5, Section 862(c)(2)(A) ...postmarked by December 31... <input type="checkbox"/> CAHSEE – CCR, Title 5, Section 1225(b)(2)(A) ...postmarked by December 31... <input checked="" type="checkbox"/> CELDT – CCR, Title 5, Section 11517.5(b)(1)(A) ...postmarked by December 31...								
2. Collective bargaining unit information. Does the district have any employee bargaining units? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes, please complete required information below. This requirement can be achieved with a telephone call. It is vital to complete this section as not consulting the bargaining units is a reason for denial of a general waiver request. Bargaining unit(s) consulted on date(s): 4/26/12 Name of bargaining unit and representative(s) consulted: Rick Meyer, CSEA Carole Plotnick, TTA The position(s) of the bargaining unit(s): <input type="checkbox"/> Neutral <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose ( <i>Please specify why</i> )								
3. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district. How was the required public hearing advertised? <input type="checkbox"/> Notice in a newspaper <input checked="" type="checkbox"/> Notice posted at each school <input checked="" type="checkbox"/> Other: ( <i>Please specify</i> ) District Office Lobby; local stores								
4. Describe briefly the circumstances that caused you to miss the apportionment deadline(s). (If more space is needed, please attach additional pages.) The responsibility of filing this apportionment request was reassigned this last year. It was overlooked in the process. 5. Describe guidelines that have been put into place for staff so that this deadline will not be missed in the future. A new tickler file process has been set up to remind us of upcoming deadlines for various reports.								
<b>District or County Certification</b> – I hereby certify that the information provided on this application is correct and complete.								
Signature of Superintendent or Designee:		Title: TUSD Superintendent				Date: May 10, 2012		
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>								
Staff Name ( <i>type or print</i> ):		Staff Signature:				Date:		
Unit Manager ( <i>type or print</i> ):		Unit Manager Signature:				Date:		
Deputy ( <i>type or print</i> ):		Deputy Signature:				Date:		

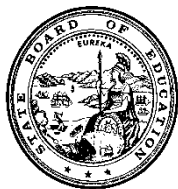
**28-5-2012**



# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM W-06**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### ☒ General Waiver

SUBJECT	
<p>Request by two districts, under the authority of California <i>Education Code</i> Section 33050, to waive portions of California <i>Education Code</i> sections 48660 and 48916.1(d) relating to the allowable grade spans for community day schools.</p> <p>Waiver Numbers: Big Valley Joint Unified School District 14-5-2012 Fowler Unified School District 3-6-2012</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input checked="" type="checkbox"/> Consent</p>

#### RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education (CDE) recommends approval that the grade span limitations for the following community day schools (CDS) be waived subject to the conditions stated in the findings below:

1. California *Education Code* (EC) Section 33051(b) will only apply to the renewal waiver request by the Big Valley Joint Unified School District (JUSD) (Waiver Number 14-5-2012). They have had no negative interactions in the past year. The waiver will continue to permit the CDS to serve students in grades three through six together with students in grades seven through twelve. This district will not need to reapply in order to continue the waiver past the period of request.
2. The Fowler Unified School District (USD) is requesting a waiver (Waiver Number 3-6-2012) to permit Casa Blanca CDS to serve students in kindergarten and grades one through eight (K–8), inclusive upon a two-thirds vote of the board.

#### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved previous waiver requests to expand the allowable grade span for a CDS to best serve its students when it was not feasible for the district to operate two separate schools.

#### SUMMARY OF KEY ISSUES

The EC sections 48660 and 48916.1(d) provide, respectively, for the allowable grade spans of CDSs and educational services for expelled students. The EC Section 48916.1(a) requires school districts to ensure that each of their expelled students be provided an educational program during the period of expulsion.

The *EC* Section 48660 provides that a CDS may serve pupils in any of kindergarten and grades one to six, inclusive, or any of grades seven to twelve, inclusive, or the same or lesser included range of grades as may be found in any individual middle or junior high school operated by the district. It further provides that if a school district is organized as a district that serves K–8, inclusive, but no higher grades, the governing board of the school district may establish a CDS for any of K–8, inclusive, upon a two-thirds vote of the board.

Given the extremely challenging fiscal environment presently facing all California schools, some districts are finding that they do not anticipate having sufficient enrollment to make it fiscally feasible to operate two CDSs, one for students up to grade six, and a second for grades seven and above. At the same time, they recognize their responsibility to ensure that educational placements are available for expelled and other high-risk students. In some cases, two existing schools are collapsed into one. In other cases, the grade span of an existing school is expanded to include students who might previously have been served by another neighboring district.

Additionally, it is difficult to predict when and if a student in any specific grade level will need to be served in a CDS. At no time do these districts expect more than a small number of students to be enrolled. This means that at any given time, all of the students might be in elementary grades, middle grades, or any combination of these grades—just as at any time it is equally possible that no student in any one of these grade spans might be enrolled.

The Big Valley JUSD is a very small, isolated rural district that has sought this waiver due to its inability to support two very small CDSs.

The Fowler USD is also a small, rural district. Its traditional schools are organized to serve elementary students in kindergarten through grade five, middle school students in grades six through eight, and high school students in grades nine through twelve. As explained above, *EC* Section 48660 provides that a K–8 district of any size, i.e., a district that does not also serve high school students, may establish a K–8 CDS without needing a SBE waiver. As a small USD, Fowler USD is seeking this waiver to provide authority to take the same action as is authorized for a K–8 only district.

In order to ensure that students receive adequate academic support despite the wider span of grades in the school, districts have committed to provide grade level appropriate mentor teacher support to CDS teachers who are teaching beyond their normal grade spans.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* Section 33051(a), available at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053>.**

**Demographic Information:** See Attachment 1

**Authority for Waiver:** *EC* Section 33050



**Period of request:** See Attachment 1

**Local board approval date(s):** See Attachment 1

**Public hearing held on date(s):** See Attachment 1

**Bargaining unit(s) consulted on date(s):** See Attachment 1

**Name of bargaining unit/representative(s) consulted:** See Attachment 1

**Position of bargaining unit(s) (choose only one):** See Attachment 1

☐ Neutral ☐ Support ☐ Oppose:

**Advisory committee(s) consulted:** See Attachment 1

**Objections raised (choose one):** See Attachment 1

☐ None ☐ Objections are as follows:

**Date(s) consulted:** See Attachment 1

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**FISCAL ANALYSIS (AS APPROPRIATE)**

There is no statewide fiscal impact of Waiver approval.

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**ATTACHMENT(S)**

Attachment 1: List of Waiver Numbers, Districts, and Information Regarding Each Waiver (1 page)

Attachment 2: Big Valley Joint Unified School District General Waiver Request (3 pages) (Original Waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 3: Fowler Unified School District General Waiver Request (2 pages) (Original Waiver request is signed and on file in the SBE Office or the Waiver Office.)

Community Day School State Board of Education Waivers for July 2012

Waiver Number	District Name, Size of District and Approval Date	Grade Span Requested (if waiver of EC sections 48660 and 48916.1(d))	Period of Request	Renewal Waiver?	If granted this waiver will be "permanent" per EC Section 33501(b)	Certificated Bargaining Unit Name and Representative, Position and Date of Action	Advisory Committee/School Site Council Name, Date of Review and any Objections
14-5-2012	Big Valley Joint Unified School District  210 Total Students  May 3, 2012	Grades three through twelve. Big Valley Joint Unified School District anticipates no more than six students in their community day school (CDS). They are a very small rural district and the small numbers make it difficult to predict the grade levels of CDS students enrolled at any time. They are fiscally unable to support two small schools and there are no other CDSs within 50 miles.	Requested: July 1, 2012, through June 30, 2013  Recommended: July 1, 2012, through July 1, 2014	YES  No negative interactions in past year	YES	Big Valley Teachers Association (Colleen Taylor) and California School Employees Association (Vicki Jeppson)  Support  April 16, 2012	Big Valley School Site Council  May 3, 2012  No objections
3-6-2012	Fowler Unified School District (USD)  2,321 Total Students  May 2, 2012	Kindergarten and grades one through eight. Fowler USD has kindergarten through grade five (K-5) and grade six through eight traditional elementary and middle schools. They want to serve students together in a common configuration that would not require a waiver for a kindergarten through grade eight district. Fowler USD has K-5 and grade six through eight traditional elementary and middle schools. They want to serve their students in grades seven through eight with the kindergarten through grade six students instead of with CDS students in grades nine through twelve, although a grade seven through twelve span would be permissible under statute.	Requested: June 1, 2012, through June 30, 2013  Recommended: June 1, 2012, through June 30, 2013	NO	NO	Fowler Unified Teachers Association (Lisa Irick)  Support  April 10, 2012	Casa Blanca School Site Council  April 10, 2012  No objections

## CALIFORNIA DEPARTMENT OF EDUCATION

**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09)

<http://www.cde.ca.gov/re/lr/wr/>

First Time Waiver: \_\_\_\_

Renewal Waiver: ☒ X

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

				CD CODE				
Local educational agency:  Big Valley Joint Unified School District				Contact name and Title: L.F. Robins, Ed.D. Superintendent/Principal				Contact person's e-mail address:lrobins@ Bigvalleyschool.org
Address:  320 Bridge Street		(City)  Bieber	(State)  CA	(ZIP)  96009	Phone (and extension, if necessary): 530-294-5266 ext 2002			Fax Number: 530-294-5396
Period of request: (month/day/year)  From: 7/1/2012 To: 6/30/2013		Local board approval date: (Required)  May 3, 2012			Date of public hearing: (Required)  May 3, 2012			
<b>LEGAL CRITERIA</b>								
1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the particular <i>Education Code</i> or <i>California Code of Regulations</i> section(s) to be waived (number): <div style="text-align: right;">Circle One: <b>(EC)</b> or CCR</div> Topic of the waiver: 48660,48916.1b Community Day Schools								
2. If this is a renewal of a previously approved waiver, please list Waiver Number: 20-8-2010-W-8 and date of SBE Approval November 10, 2010 Renewals of waivers must be submitted two months before the active waiver expires.								
3. Collective bargaining unit information. Does the district have any employee bargaining units? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, please complete required information below:  Bargaining unit(s) consulted on date(s): California Teacher's Assoc., California School Employees Assoc.  Name of bargaining unit and representative(s) consulted: Colleen Taylor(President, CTA), Vicki Jeppson (President, CESA)  The position(s) of the bargaining unit(s): <input type="checkbox"/> Neutral <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose ( <i>Please specify why</i> )  Comments (if appropriate):								
4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.  How was the required public hearing advertised?  <input type="checkbox"/> Notice in a newspaper <input checked="" type="checkbox"/> Notice posted at each school <input type="checkbox"/> Other: ( <i>Please specify</i> )								
5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  Date the committee/council reviewed the waiver request:  Were there any objection(s)? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> ( <i>If there were objections please specify</i> )								

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**  
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

See attached

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

We are a very small rural district. We anticipate at no time that we will have more than 6 students in our community Day School with 1-2 being of High School age that require a community Day School setting. Especially in this fiscal situation we cannot provide two schools for these students. Therefore we are requesting the waiver to broaden the grade span to 3<sup>rd</sup> grade with students up to 12<sup>th</sup> grade. There are no other CDS schools within a 50 mile radius we could use to take an upper or lower grade student.

8. Demographic Information:  
Big Valley Joint Unified has a student population of 210 and is located in a rural and isolated community in Lassen County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** No ☒ Yes ☐  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No ☒ Yes ☐  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: <i>L.F. Robins</i>	Title: Superintendent/Principal	Date: May 3, 2012
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

**48660.** The governing board of a school district may establish one or more community day schools for pupils who meet one or more of the conditions described in subdivision (b) of Section 48662. A community day school may serve pupils in any of kindergarten and grades 1 to 6, inclusive, or any of grades 7 to 12, inclusive, or the same or lesser included range of grades as may be found in any individual middle or junior high school operated by the district. If a school district is organized as a district that serves kindergarten and grades 1 to 8, inclusive, but no higher grades, the governing board of the school district may establish a community day school for any [of] kindergarten and grades 1 to 8, inclusive, upon a two-thirds vote of the board. It is the intent of the Legislature, that to the extent possible, the governing board of a school district operating a community day school for any of kindergarten and grades 1 to 8, inclusive, separate younger pupils from older pupils within that community day school. Except as provided in Section 47634, a charter school may not receive funding as a community day school unless it meets all the conditions of apportionment set forth in this article.

**48916.1.** (d) ~~If the pupil who is subject to the expulsion order was expelled from any of kindergarten or grades 1 to 6, inclusive, the educational program provided pursuant to subdivision (b) shall not be combined or merged with educational programs offered to pupils in any of grades 7 to 12, inclusive. The district or county program is the only program required to be provided to expelled pupils as determined by the governing board of the school district. This subdivision, as it relates to the separation of pupils by grade levels, does not apply to community day schools offering instruction in any of kindergarten and grades 1 to 8, inclusive, and established in accordance with Section 48660.~~

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09)

<http://www.cde.ca.gov/re/lr/wr/>First Time Waiver:   X    
Renewal Waiver:       

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

				CD CODE					
1				0	6	2	1	5	8
Local educational agency:  Fowler Unified School District			Contact name and Title:  Jonathan Farley			Contact person's e-mail address: jfarley@fowlerusd.org			
Address:  658 E. Adams Avenue		(City)  Fowler	(State)  CA	(ZIP)  93625	Phone (and extension, if necessary): 559-834-6098  Fax Number: 559-834-6721				
Period of request: (month/day/year)  From: June 1, 2012 To: June 30, 2013		Local board approval date: (Required)  May 2, 2012			Date of public hearing: (Required)  May 2, 2012				
<b>LEGAL CRITERIA</b>									
1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the particular <i>Education Code</i> or <i>California Code of Regulations</i> section(s) to be waived (number): 48660 Circle One: <u>  EC  </u> or CCR  Topic of the waiver:									
2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval _____ Renewals of waivers must be submitted two months before the active waiver expires.									
3. Collective bargaining unit information. Does the district have any employee bargaining units? <u>  X  </u> No <u>  X  </u> Yes If yes, please complete required information below:  Bargaining unit(s) consulted on date(s): April 10, 2012  Name of bargaining unit and representative(s) consulted: Fowler Unified Teachers Association / Lisa Irick - President  The position(s) of the bargaining unit(s): <u>  X  </u> Neutral <u>  X  </u> Support <u>  </u> Oppose ( <i>Please specify why</i> )  Comments (if appropriate):									
4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.  How was the required public hearing advertised?  <u>  </u> Notice in a newspaper <u>  X  </u> Notice posted at each school <u>  </u> Other: ( <i>Please specify</i> )									
5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: Casa Blanca School Site Council Date the committee/council reviewed the waiver request: April 10, 2012 Were there any objection(s)? No <u>  X  </u> Yes <u>  </u> ( <i>If there were objections please specify</i> )									

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**  
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

48660. .... If a school district is organized as a district that serves kindergarten and grades 1 to 8, inclusive, ~~but no higher grades~~, the governing board of the school district may establish a community day school for any kindergarten and grades 1 to 8, inclusive, upon a two-thirds vote of the board.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Fowler Unified School District is developing a new Community Day School to serve students in kindergarten and grades 1 through 8 who currently have no educational program within the district. This general waiver request will allow Fowler Unified School District to serve students in kindergarten and grades 1 through 8, inclusive, in the new Community Day School. The new Community Day School will provide services for students who are prohibited from attending a comprehensive campus due to expulsion, probation placement, or SARB or other district level referral process. This general waiver request will allow Fowler Unified School District to separate younger pupils from older pupils while providing an educational program for all students K-12 at two separate Community Day Schools.

8. Demographic Information:

Fowler Unified School District has a student population of 2,321 and is located in a small, rural town in Fresno County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** No ☒ Yes ☐

(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No ☒ Yes ☐

(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:

Title:

Date:

Superintendent

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

Staff Name (*type or print*):

Staff Signature:

Date:

Unit Manager (*type or print*):

Unit Manager Signature:

Date:

Division Director (*type or print*):

Division Director Signature:

Date:

Deputy (*type or print*):

Deputy Signature:

Date:

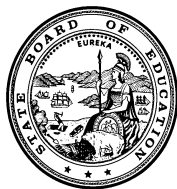


# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM W-07**





## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### ☒ General Waiver

SUBJECT	<input checked="" type="checkbox"/> Action  <input checked="" type="checkbox"/> Consent
Request by <b>Tracy Joint Unified School District</b> to waive <i>Education Code</i> Section 37202, the equity length of time requirement for South/West Park School and Gladys Poet-Christian Magnet School.  Waiver Numbers: Tracy Joint Unified 30-6-2012 Tracy Joint Unified 31-6-2012	

#### RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

The California Department of Education (CDE) recommends approval of this waiver.

#### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has previously approved similar waivers for equity length of time. The last equity length of time waiver request that was approved by the SBE was at the January 11, 2007 meeting.

#### SUMMARY OF KEY ISSUES

Tracy Joint Unified School District is requesting a waiver of *Education Code* Section 37202, which requires districts to maintain an equal length of time for all of its schools. The district would like to increase instructional time for all third grade students at South/West Park Elementary School and for all students in grades one through three at Gladys Poet-Christian Magnet School by extending the instructional day. The extended instructional day at South/West Park Elementary School is intended to provide enriched music and physical education instruction as well as more instructional time to focus on reading and writing. The extended instructional day at Gladys Poet-Christian Magnet School is intended to facilitate enriched music and physical education instruction.

There is no apportionment significant consequence to increasing the instructional day beyond that required by statute or beyond that offered to other school sites within a district. CDE therefore recommends approval of this waiver.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* Section 33051(a), available at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053>.**

**Authority for Waiver:** *EC* Section 33050

**FISCAL ANALYSIS (AS APPROPRIATE)**

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There is no apportionment significant consequence to this waiver request.

**ATTACHMENT(S)**

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Attachment 1: List of Waiver Numbers and Information Regarding Each Waiver (1 page)

Attachment 2: Tracy Joint Unified School District, South/West Park Elementary General Waiver Request (2 pages) (Original waiver request is signed and on file in the CDE Waiver Office.)

Attachment 3: Tracy Joint Unified School District, Gladys Poet-Christian Magnet School General Waiver Request (2 pages) (Original waiver request is signed and on file in the CDE Waiver Office.)

## List of Waiver Numbers and Information Regarding Each Waiver

Waiver Number	District	School Sites	Period of Request	District's Request	CDE Recommendation	Demographic Information	Bargaining Unit, Representatives Consulted, Date, and Position	Local Board and Public Hearing Approval Date	Method of Advertisement of Public Hearing	Advisory Committee(s) Consulted, Date/Position
30-6-2012	Tracy Joint Unified School District	<b>South/West Park School</b>	<b>Requested:</b> August 13, 2012 to May 31, 2013  <b>Recommended:</b> July 1, 2012 to June 29, 2014	Adding 4,209 annual minutes to grade three	Approval	Total student population of 883 in a small city in San Joaquin County	Tracy Educators Association, John Anderson, President  1-Jun-12  <b>Support</b>	June 12, 2012	Notice in Newspaper	School Site Council and District Advisory Committee,  June 4, 2012  <b>No Objections</b>
31-6-2012	Tracy Joint Unified School District	<b>Gladys Poet-Christian Magnet School</b>	<b>Requested:</b> August 2012 to June 2013  <b>Recommended:</b> July 1, 2012 to June 30, 2013	Adding 4,209 annual minutes to grades one through three	Approval	Total student population of 617 in a small city in San Joaquin County	Tracy Educators Association, John Anderson, President  June 1, 2012  <b>Support</b>	June 12, 2012	Notice in Newspaper	School Site Council and District Advisory Committee,  June 4, 2012  <b>No Objections</b>

CALIFORNIA DEPARTMENT OF EDUCATION

**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09)

**First Time Waiver:**   X  <http://www.cde.ca.gov/re/lr/wr/>**Renewal Waiver:**       

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

CD CODE					
6	0	4	2	8	8
Local educational agency:  Tracy Unified School District		Contact name and Title: Linda Dopp-Alternative Program Director		Contact person's e-mail address: ldopp@tusd.net	
Address: (City) (State) (ZIP)  1875 W. Lowell Ave. Tracy, CA. 95376		Phone (and extension, if necessary): (209) 830-3200 ex1050  Fax Number: (209) 830-3202			
Period of request: (month/day/year) From: 8/13/12 To: 5/31/13		Local board approval date: (Required) June 12, 2012		Date of public hearing: (Required) June 12, 2012	
<b>LEGAL CRITERIA</b>					
1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the particular <i>Education Code</i> or <i>California Code of Regulations</i> section(s) to be waived (number): <span style="float: right;">Circle One: <i>EC</i> or <i>CCR</i></span>  Topic of the waiver: Extend instructional school day for all third grade students at South/West Park Elementary School					
2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval _____ Renewals of waivers must be submitted two months before the active waiver expires.					
3. Collective bargaining unit information. Does the district have any employee bargaining units? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes, please complete required information below:  Bargaining unit(s) consulted on date(s): June 1, 2012  Name of bargaining unit and representative(s) consulted: Tracy Educators Association; John Anderson, President of TEA  The position(s) of the bargaining unit(s): <input type="checkbox"/> Neutral <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose ( <i>Please specify why</i> )  Comments (if appropriate):					
4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.  How was the required public hearing advertised?  <input checked="" type="checkbox"/> Notice in a newspaper <input type="checkbox"/> Notice posted at each school <input type="checkbox"/> Other: ( <i>Please specify</i> )					
5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  Date the committee/council reviewed the waiver request: June 4, 2012  Were there any objection(s)? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> ( <i>If there were objections please specify</i> )					

CALIFORNIA DEPARTMENT OF EDUCATION

## GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

South/West Park School will be extending third grade instructional minutes by 4,209 minutes and dismissing students at 3:00 p.m. instead of 2:20 p.m. This will allow all students to participate in an enriched curriculum in both Music and Physical Education by a qualified certificated teacher in each subject area. As a Title I school, the additional instructional minutes will allow students more time to provide students a well rounded education and will support District efforts to close the achievement gap.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Providing this additional instructional period previously has created a longer day for students to focus on their reading and writing. Site data indicates that many students made significant gains on both CST and District assessments. Parent feedback has been positive and parents indicate that they prefer the longer instructional day versus the 2:20 dismissal.

8. Demographic Information:  
South/West Park Elementary School has a student population of 883 and is located in a small city in San Joaquin County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** No X ☐ Yes ☐  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No X ☐ Yes ☐  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee: Dr. James Franco	Title: Superintendent of Tracy Unified School District	Date: June 12, 2012
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION

**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09)

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

**First Time Waiver:**   X  <http://www.cde.ca.gov/re/lr/wr/>**Renewal Waiver:**       

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		6	1	0	8	9	9	7
Local educational agency: Tracy Unified School District		Contact name and Title: Linda Dopp, Director of Alternative Programs				Contact person's e-mail address: ldopp@tusd.net		
Address: (City) (State) (ZIP)		Phone (and extension, if necessary): (209) 830-3210						
1875 W. Lowell Ave. Tracy, CA 95376		Fax Number: (209) 830-3239						
Period of request: (month/day/year) From: Aug. 2012 To: June 2013		Local board approval date: (Required)				Date of public hearing: (Required)		
<b>LEGAL CRITERIA</b>								
1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the particular <i>Education Code</i> or <i>California Code of Regulations</i> section(s) to be waived (number): <span style="float: right;">Circle One: EC or CCR</span> Topic of the waiver: Extend Instructional School Day for all first, second and third grade students at Gladys Poet-Christian Magnet School								
2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval _____ Renewals of waivers must be submitted two months before the active waiver expires.								
3. Collective bargaining unit information. Does the district have any employee bargaining units? <u>  X  </u> No <u>  X  </u> Yes If yes, please complete required information below:  Bargaining unit(s) consulted on date(s): 6/1/2012  Name of bargaining unit and representative(s) consulted: Tracy Educators Association; John Anderson, President of TEA  The position(s) of the bargaining unit(s): <u>  X  </u> Neutral <u>  X  </u> Support <u>  </u> Oppose ( <i>Please specify why</i> )  Comments (if appropriate):								
4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.  How was the required public hearing advertised? <u>  X  </u> Notice in a newspaper <u>  </u> Notice posted at each school <u>  </u> Other: ( <i>Please specify</i> )								
9. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  Date the committee/council reviewed the waiver request: June 4, 2012  Were there any objection(s)? No <u>  X  </u> Yes <u>  </u> ( <i>If there were objections please specify</i> )								

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**  
GW-1 (10-2-09)

10. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

Poet-Christian Magnet School is requesting to extend the 1<sup>st</sup> – 3<sup>rd</sup> grade instructional minutes by 4,004 minutes and dismissing students at 3:05 p.m. instead of 2:30 p.m. Tuesday – Friday of each week. This will allow all students to participate in an enriched curriculum in both Dance and Art by a qualified certificated teacher. Extending the day of the 1<sup>st</sup>-3<sup>rd</sup> grades will allow us to offer Dance and Art to all students every day during the school day.

11. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Poet-Christian has been an Arts Magnet school since the Spring of 1997. The Arts program was cut from the district budget at the end of the 2010. Five out of six Arts classes were subsequently cut. Dance remains as a function of Physical Education. A Full Time Art teacher was added back to the school for the 2012-13 school year. By extending the school day, all students in 1<sup>st</sup>-3<sup>rd</sup> grade will be able to participate in Dance and Art classes during the regular school day. These classes support our efforts in helping students grow academically, culturally, and socially. The art and dance classes will also provide an outlet for students to express themselves artistically. When students are excited about school and the activities going on at school, they are more likely to maintain excellent attendance.

12. Demographic Information:  
Gladys Poet-Christian Magnet School has a student population of 617 and is located in a small city in San Joaquin County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** No ☐ Yes ☐  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No ☐ Yes ☐  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee: Dr. James Franco	Title: Superintendent of Tracy Unified School District	Date: June 12, 2012
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

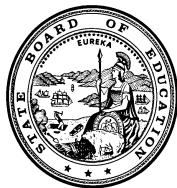


# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM W-08**





## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### ☒ Specific Waiver

##### SUBJECT

Request by 12 local educational agencies under the authority of California *Education Code* Section 52863 for waivers of *Education Code* Section 52852, relating to school site councils regarding changes in shared, composition, or shared and composition members.

##### Waiver Numbers:

Big Pine Unified 6-6-2012  
Butte County Office of Education 9-5-2012  
Delano Joint Union High 33-5-2012  
Dunsmuir Elementary 21-6-2012  
Greenfield Union 7-6-2012  
Lassen View Union Elementary 31-5-2012  
Lompoc Unified 7-5-2012  
Mountain Empire Unified 46-6-2012  
San Luis Obispo County Office of Education 16-6-2012  
Stanislaus County Office of Education 5-5-2012  
Trinity Center Elementary 23-5-2012  
Trinity County Office of Education 39-5-2012

☒ Action

☒ Consent

##### RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education recommends approval with the following conditions: See Attachment 1.

##### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Specific authority is provided in California *Education Code* (EC) Section 52863 to allow the State Board of Education (SBE) to waive the School Site Council (SSC) requirements of the School-Based Coordination Program (SBCP) Act that would hinder the success of school-based programs. These waivers must be renewed every two years.

##### SUMMARY OF KEY ISSUES

Big Pine Unified School District is requesting a shared SSC for their two small schools: Big Pine Elementary (12.5 teachers serving 139 students in kindergarten and grades one through eight, sharing 6.5 of these teachers with the high school) and Big Pine High

(same 6.5 teachers serving 53 students in grades nine through twelve). The two schools share one administrator and are located on the same campus in a rural area.

Butte County Office of Education is requesting an SSC composition change for Table Mountain School (4 classroom teachers serving 60 students in kindergarten and grades one through twelve). The school is a small juvenile hall and there is no other similar school within a reasonable distance to establish a shared SSC.

Delano Joint Union High School District is requesting an SSC composition change for Valley High School (9 teachers serving 175 students in grades nine through twelve). Valley High is a small continuation high school serving three comprehensive high schools and has a high rate of transiency in student population. The school is located in a rural area.

Dunsmuir Elementary School District is requesting an SSC composition change for Dunsmuir Elementary School (7 teachers serving 138 students in kindergarten and grades one through eight). The school is located in a rural area.

Greenfield Union School District is requesting a shared SSC for one small school and one regular school: Greenfield Community School (3 teachers serving 15–45 students in grades three through eight) and Greenfield Middle School (41 Teachers serving 900 students in grades six through eight). Students at the community school are very mobile and many of these students are from Greenfield Middle School. The two schools have the same curriculum and offer shared services. In addition, they are in close geographic proximity in a rural area.

Lassen View Union Elementary School District is requesting a shared SSC for two small schools: Lassen View Elementary (17 teachers serving 317 students in kindergarten and grades one through eight) and Lassen View Community Day (1 teacher serving 5 students in kindergarten and grades one through eight). The schools share one principal and also have the same curriculum. In addition, they are located on the same campus in a rural area.

Lompoc Unified School District is requesting an SSC composition change for Maple Continuation High School (9 teachers serving 200 students in grades nine through twelve). The school has a high rate of transiency with a majority of these students moving in and out of the school during the school year. In addition, it is located in a rural area.

Mountain Empire Unified School District is requesting a shared SSC for Clover Flat Elementary School (8 classroom teachers serving 154 students in grades two through eight) and Jacumba Elementary School (3 classroom teachers serving 46 students in kindergarten and grades one through two). The schools share one administrator and are located in a rural area.

San Luis Obispo County Office of Education is requesting a shared SSC with composition change for two small schools: San Luis Obispo County Community Day (15 teachers serving 350 students in grades seven through twelve at five different sites) and San Luis Obispo County Juvenile Court School (1 teacher serving 24 students in grades

seven through twelve). Both schools serve high-risk students and the student population is very transient. In addition, the schools are located in rural areas and transportation is an issue for many of the parents.

Stanislaus County Office of Education is requesting a shared SSC for two small schools: Petersen Alternative Center for Education (9 teachers serving 262 students in grades one through twelve) and Stanislaus Community School (12 teachers serving 107 students in kindergarten and grades one through twelve). The schools share one administrator and an academic counselor. In addition, the schools use the same curriculum and assessments. Furthermore, they are located on the same block adjacent to one another.

Trinity Center Elementary School District is requesting an SSC composition change for its only school: Trinity Center Elementary School (1.5 classroom teachers serving 15 students in kindergarten and grades one through eight). The school is located in a very rural area.

Trinity County Office of Education is requesting an SSC composition change for Trinity County Juvenile Hall (3 teachers alternating the three cycles serving 10–14 students). The school serves incarcerated youth and the student population is very mobile. In addition, the school is located in a very rural area.

### **FISCAL ANALYSIS (AS APPROPRIATE)**

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There is no statewide fiscal impact of waiver approval.

### **ATTACHMENT(S)**

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Attachment 1: Local Educational Agencies Requesting a School Site Council Waiver (6 pages)

Attachment 2: Big Pine Unified School District Specific Waiver Request 6-6-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Butte County Office of Education Specific Waiver Request 9-5-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Delano Joint Union High School District Specific Waiver Request 3-5-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Dunsmuir Elementary School District Specific Waiver Request 2-6-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

- Attachment 6: Greenfield Union School District Specific Waiver Request 7-6-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 7: Lassen View Union Elementary School District Specific Waiver Request 31-5-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 8: Lompoc Unified School District Specific Waiver Request 7-5-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 9: Mountain Empire Unified School District Specific Waiver Request 46-6-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 10: San Luis Obispo County Office of Education Specific Waiver Request 16-6-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 11: Stanislaus County Office of Education Specific Waiver Request 5-5-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 12: Trinity Center Elementary School District Specific Waiver Request 23-5-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 13: Trinity County Office of Education Specific Waiver Request 39-5-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

### Local Educational Agencies Requesting a School Site Council Waiver

Waiver Number	LEA for School(s) (CDS Code[s])	LEAs Request	CDE Recommendation	Previous Waiver Yes or No  Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	SSC/Advisory Committee Position	Local Board Approval Date
6-6-2012	Big Pine Unified School District for Big Pine Elementary (14 63248 6008692) and Big Pine High (14 63248 1431352)	Shared SSC	Approval with conditions; the SSC must consist of one principal, four classroom teachers (selected by peers), one other school representative (selected by peers), three parents/community members (selected by peers), and three students (selected by peers).	<b>Yes</b>  <b>Period of Request:</b> August 1, 2011 to July 31, 2013  <b>Period Recommended:</b> August 1, 2011 to July 31, 2013	Big Pine Educator's Association, Kerry Koontz; Classified School Employee Association, Carol Mason; on April 26, 2012 <b>Support</b>	Big Pine SSC, on May 23, 2012 <b>Approve</b>	May 7, 2012
9-5-2012	Butte County Office of Education for Table Mountain (04 10041 0430066)	Composition Change	Approval with conditions; the SSC must consist of one principal, two classroom teachers (selected by peers), and three parents/community members (selected by peers).	<b>No</b>  <b>Period of Request:</b> July 1, 2012 to June 30, 2014  <b>Period Recommended:</b> July 1, 2012 to June 30, 2014	Butte County Teachers Association, Sally Shea, President, on February 14, 2012 <b>Support</b>	Table Mountain SSC, on February 23, 2012 <b>Approved</b>	April 9, 2012

Waiver Number	LEA for School(s) (CDS Code[s])	LEAs Request	CDE Recommendation	Previous Waiver Yes or No  Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	SSC/Advisory Committee Position	Local Board Approval Date
33-5-2012	Delano Joint Union High School District for Valley High (15 63412 1531656)	Composition Change	Approval with conditions; the SSC must consist of one principal, three classroom teachers (selected by peers), one other school staff (selected by peers), three parents/community members (selected by peers), and two students (selected by peers).	<b>Yes</b>  <b>Period of Request:</b> June 7, 2012 to June 7, 2014  <b>Period Recommended:</b> June 7, 2012 to June 6, 2014	Delano Joint Union High School District Teachers Association, Arnold Garcia, President; California School Employee Association Chapter 79, Richardo Rojas, President; on May 9, 2012 <b>Support</b>	Valley High SSC, on May 9, 2012 <b>Approved</b>	May 15, 2012
21-6-2012	Dunsmuir Elementary School District for Dunsmuir Elementary (47 70243 6050710)	Composition change	Approval with conditions; the SSC must consist of one principal, two classroom teachers (selected by peers), one other school representative (selected by peers), and four parents/community members (selected by peers).	<b>No</b>  <b>Period of Request:</b> July 1, 2012 to June 30, 2014  <b>Period Recommended:</b> July 1, 2012 to June 30, 2014	Dunsmuir Elementary Teachers' Association, Susan Keeler, Susan Anro, Tammera Ridge, and Donna Clark; on February 28, 2012 <b>Support</b>	Dunsmuir Elementary SSC, March 7, 2012 <b>Approve</b>	March 8, 2012

Waiver Number	LEA for School(s) (CDS Code[s])	LEAs Request	CDE Recommendation	Previous Waiver Yes or No  Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	SSC/Advisory Committee Position	Local Board Approval Date
7-6-2012	Greenfield Union School District for Greenfield Community School (15 63503 0120865)	Shared SSC	Approval with conditions; the SSC must consist of one principal, three classroom teachers (selected by peers), one other school representative (selected by peers), and five parents/community members (selected by peers).	<b>No</b>  <b>Period of Request:</b> February 9, 2012 To June 6, 2014  <b>Period Recommended:</b> February 9, 2012 To February 8, 2014	Greenfield Educators Association, Danielle Stightans and Paula Vanauken, co-Presidents; on May 2, 2012; California School Employee Association-Greenfield Chapter 496, Lisa Young, President, on May 3, 2012 <b>Neutral</b>	Greenfield Middle School SSC, on February 9, 2012 <b>Approve</b>	May 9, 2012
31-5-2012	Lassen View Union Elementary School District for Lassen View Elementary (52 71563 6053557) and Lassen View Community Day (52 71563 6116214)	Shared SSC	Approval with conditions; the SSC must consist of one principal, three classroom teachers (selected by peers), one other school representative (selected by peers), and five parents/community members (selected by peers).	<b>Yes</b>  <b>Period of Request:</b> August 15, 2012 to August 15, 2014  <b>Period Recommended:</b> August 15, 2012 to August 14, 2014	Lassen View Teacher Association (LVTA), Bettie Skelton, President, on May 15, 2012 <b>Support</b>	Lassen View Elementary SSC, on May 9, 2012 <b>Approve</b>	May 21, 2012

Waiver Number	LEA for School(s) (CDS Code[s])	LEAs Request	CDE Recommendation	Previous Waiver Yes or No  Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	SSC/Advisory Committee Position	Local Board Approval Date
7-5-2012	Lompoc Unified School District for Maple Continuation High School (42 69229 4233029)	Composition Change	Approval with conditions that the schoolsite council (SSC), which will serve during the period of this waiver be composed of the following six members: the school principal, one classroom teacher, one other school employee, two parents or community members elected by parents and one student.	<b>Yes</b>  <b>Period of Request:</b> June 6, 2011 to June 5, 2013  <b>Period Recommended:</b> June 6, 2011 to June 5, 2013	Lompoc Federation of Teachers, Martha Bauer, Vice President of Membership; Classified State Employees Association, Terri Moya, President; on June 7, 2011. <b>Support</b>	Maple High School SSC on June 1, 2011 <b>Approved</b>	June 21, 2011
46-6-2012	Mountain Empire Unified School District for Clover Flat Elementary School (37 68213 6085054) and Jacumba Elementary School (37 68213 6038707)	Shared SSC	Approval with conditions; the SSC must consist of one principal, three classroom teachers (selected by peers), one other school representative (selected by peers), and five parents/community members (selected by peers).	<b>Yes</b>  <b>Period of Request:</b> August 28, 2012 to August 27, 2014  <b>Period Recommended:</b> August 28, 2012 to August 27, 2014	California School Employees Association Mountain Empire Chapter 441, Sheryl Bush-Carmody, and Mountain Empire Teacher's Association, Mari Mann; on June 5, 2012. <b>Support</b>	Clover Flat Jacumba Compact SSC, on March 6, 2012 <b>Approve</b>	June 26, 2012



Waiver Number	LEA for School(s) (CDS Code[s])	LEAs Request	CDE Recommendation	Previous Waiver Yes or No  Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	SSC/Advisory Committee Position	Local Board Approval Date
16-6-2012	San Luis Obispo County Office of Education for San Luis Obispo County Community (40 10405 4030250) and San Luis Obispo County Juvenile Court (40 10405 4030078)	Shared SSC	Approval with conditions; the SSC must consist of one principal, two classroom teachers (selected by peers), one other school representative (selected by peers), two parents/community members (selected by peers), and two students (selected by peers).	<b>No</b>  <b>Period of Request:</b> July 1, 2012 to July 1, 2014  <b>Period Recommended:</b> July 1, 2012 to June 30, 2014	San Luis Obispo County Education Association/CTA, Julie Schuyler, President, on May 8, 2012 <b>Support</b>	Alternative Governance Board, June 7, 2012 <b>Approve</b>	June 7, 2012
5-5-2012	Stanislaus County Office of Education for Petersen Alternative Center for Education (50 10504 5030226) and Stanislaus Community School (50 10504 5030069)	Shared SSC	Approval with conditions; the SSC must consist of one principal, four classroom teachers (selected by peers), one other school representative (selected by peers), three parents/community members (selected by peers), and three students (selected by peers).	<b>No</b>  <b>Period of Request:</b> July 1, 2012 to June 30, 2014  <b>Period Recommended:</b> July 1, 2012 to June 30, 2014	California School Employee Association, Debbie Wey, President, Ruth Gloria, Secretary, on December 15, 2011; Stanislaus Associated Certificated Personnel, Marti Persons, President, Roland Shores, on February 22, 2012 <b>Support</b>	SSC, on October 31, 2011 <b>Approved</b>	April 10, 2012

Waiver Number	LEA for School(s) (CDS Code[s])	LEAs Request	CDE Recommendation	Previous Waiver Yes or No  Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	SSC/Advisory Committee Position	Local Board Approval Date
23-5-2012	Trinity Center Elementary School District for Trinity Center Elementary School (53 71761 6053813)	Composition Change	Approval with conditions; the SSC must consist of one principal, one teacher (selected by peers), and 2 parents/community members (selected by peers).	<b>No</b>  <b>Period of Request:</b> July 1, 2012 to June 30, 2014  <b>Period Recommended:</b> July 1, 2012 to June 30, 2014	Trinity Center Elementary School District currently does not have a collective bargaining unit at this time. <b>Not applicable</b>	Trinity Center Elementary SSC, on February 7, 2012 <b>Approved</b>	February 16, 2012
39-5-2012	Trinity County Office of Education for Trinity County Juvenile Hall (53 10538 5330048)	Composition change	Approval with conditions; the SSC must consist of one principal, one classroom teacher (selected by peers), one parent/community member (selected by peers), and one student (selected by peers).	<b>Yes</b>  <b>Period of Request:</b> July 1, 2012 to June 30, 2014  <b>Period Recommended:</b> July 1, 2012 to June 30, 2014	Trinity County Office of Education, Mary Nixon, on May 9, 2012 <b>Support</b>	Trinity County Juvenile Hall SSC, on May 3, 2012 <b>Approve</b>	May 24, 2012

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**

SW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

**First Time Waiver:** \_\_\_\_  
**Renewal Waiver:**   X  

Send Electronic copy in **Word** and  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		1	4	6	3	2	4	8
Local educational agency:  Big Pine Unified School District		Contact name and Title: Pamela J. Jones Superintendent				Contact person's e-mail address: pamela_jones@inyo.k12.ca.us		
Address: (City) (State) (ZIP)  500 S. Main Street Big Pine CA 93513 P.O. Bo 908		Phone (and extension, if necessary):  760/938-2005 ex 252 Fax number: 760/938-2310						
Period of request: (month/day/year)  From: August 1, 2011 To: July 31, 2013				Local board approval date: (Required)  May 7, 2012				
<b>LEGAL CRITERIA</b>								
1. Authority for the waiver: ____ EC 52863: ____  Any governing board, on behalf of a school site council, may request the State Board of Education (SBE) to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 year only, may be renewed)								
2. <i>Education Code or California Code of Regulations</i> or portion to be waived. Section to be waived: <i>EC52852</i> Circle One: <i>EC</i> Brief Description of the topic of the waiver:  School Site Councils for <b>small schools</b> sharing common services or attendance areas, administration and other characteristics.								
3. If this is a renewal of a previously approved waiver, please list Waiver No: 3-1-2010-W-24 and date of SBE approval 3-1-2010 Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.								
4. Collective bargaining unit information. (Not necessary for <i>EC</i> 56101 waivers)  Does the district have any employee bargaining units? ____ No <u>  X  </u> Yes If yes, please complete required information below:  Bargaining unit(s) consulted on date(s): April 26, 2012  Name of bargaining units and representative(s) consulted: Big Pine Educator's Association, Kerry Koontz; Classified School Employee Association, Carol Mason  The position(s) of the bargaining unit(s): ____ Neutral <u>  X  </u> Support ____ Oppose ( <i>Please specify why</i> )  Comments (if appropriate):								
5. Advisory committee or school site council that reviewed the waiver. Name: Big Pine Schools Site Council  Per <i>EC</i> 33051(a) if the waiver affects a program that requires a school site council that council must <b>approve</b> the request. Date advisory committee/council reviewed request: May 23, 2012  <u>  X  </u> Approve ____ Neutral ____ Oppose  Were there any objection? Yes ____ No <u>  X  </u> (If there were objections please specify)								

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**  
SW-1 (Rev. 10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a <b>strike out key</b> if only portions of sections are to be waived). (Attach additional pages if necessary.)  <i>EC 52852 A school site council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.</i>		
7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.) Big Pine Unified School District has 192 students with a K-8 elementary school of 139 students, a high school of 44 students, a continuation school of 6 students and a community day school of 3. There is one principal a part-time superintendent and one main office. There are 13.5 teachers. All of the school buildings are located at the same address on a single campus. BPUSD has one set of goals that drive the improvement process for all. We are united in our efforts, and because of our size, there is not a differentiation between "school site" and district. We do not have enough staff or community members to form more than one site council.		
8. Demographic Information:  <i>Big Pine Unified School District has a student population of 192 and is located in rural community in Inyo County.</i>		
<b>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If yes, please attach explanation or copy of audit finding)  <b>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If yes, please attach explanation or copy of CPM finding)		
<b>District or County Certification</b> – <i>I hereby certify that the information provided on this application is correct and complete.</i>		
Signature of Superintendent or Designee:	Title: Superintendent	Date:
Signature of SELPA Director (only if a Special Education Waiver)		Date:
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION

**SPECIFIC WAIVER: SCHOOL SITE COUNCIL- COMPOSITION OF MEMBERS**

First Time Waiver:   X  

Renewal Waiver:       

SW-1 (Rev. 10-2-2009)

<http://www.cde.ca.gov/re/lr/wr/>

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send electronic copy in **Word** and  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		0	4	3	0	0	6	6
Local educational agency: Butte County Office of Education/Table Mountain School		Contact name and recipient of approval/denial notice: Alison Watson				Contact person's e-mail address: awatson@bcoe.org		
Address: (City) (State) (ZIP)  1859 Bird Street Oroville CA 95965		Phone (and extension, if necessary): 530-532-5644 Fax number: 530-532-5794						
Period of request: (month/day/year)  From: July 1 <sup>st</sup> , 2012 To: June 30 <sup>th</sup> , 2014		Local board approval date: (Required)  <b>04/09/2012</b>						
<b>LEGAL CRITERIA</b>								
<p>9. Authority for the waiver: Write the Education Code (<i>EC</i>) Section citation, which authorizes the waiver of the specific <i>EC</i> Section you want to waive: X Specific code section: <b>52863</b></p> <p><i>EC 52863</i> Any governing board, on behalf of a school site council, may request the State Board of Education to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)</p>								
<p>10. California <i>Education Code</i> or <i>California Code of Regulations</i> or portion to be waived. Section to be waived: (number) <b>EC 52852</b></p> <p>Requesting <b>reduced composition</b> in members for a small school. (Statute requires 12 members for a high schoolsite council and 10 members for elementary schoolsite council).</p>								
<p>11. If this is a renewal of a previously approved waiver, please list Waiver No: _____ and date of SBE approval Renewals of waivers must be submitted two month before the active waiver expires.</p>								
<p>12. Collective bargaining unit information.</p> <p>Does the district have any employee bargaining units? <u>  </u> No <u>  X  </u> Yes If yes, please complete required information below:</p> <p>Bargaining unit(s) consulted on date(s): <b>2/14/2012</b></p> <p>Name of bargaining units and representative(s) consulted: Butte Co Teachers Association, Sally Shea, president</p> <p>The position(s) of the bargaining unit(s): <u>  </u> Neutral <u>  X  </u> Support <u>  </u> Oppose (<i>Please specify why</i>)</p> <p>Comments (if appropriate):</p>								
<p>13. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name: Table Mountain School Site Council</p> <p>Date advisory committee/council reviewed request: <u>  X  </u> Approve <u>  </u> Neutral <u>  </u> Oppose</p> <p>Were there any objection? Yes <u>  </u> No <u>  X  </u> (If there were objections please specify)</p>								

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**  
SW-1 (Rev. 10-2-2009)

14. Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived).  <i>EC 52852 A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.</i>		
15. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)  <b>Please attach a brief description of the situation in this school: The number of administrative staff, teachers and students at the schools. Indicate why a composition waiver is needed rather than this school sharing a SSC with another school per the SBE Waiver Policy for Shared SSC's available at:</b> <a href="http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc">http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc</a> <b>see below and attached</b>		
16. Demographic Information: <b>Table Mountain School is a juvenile hall facility that has a maximum student population of 60 and 4 classroom teachers and is located in a rural area of Butte County.</b>		
<b>Is this waiver associated with an apportionment related audit penalty? (per EC 41344) <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</b> (If yes, please attach explanation or copy of audit finding)		
<b>Has there been a Coordinated Compliance Review finding on this issue? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</b> (If yes, please attach explanation or copy of CCR finding)		
<b>District or County Certification – I hereby certify that the information provided on this application is correct and complete.</b>		
Signature of Superintendent or Designee: Steve Olmos	Title: Assistant Superintendent	Date:
Signature of SELPA Director (only if a Special Education Waiver)		Date:
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name (type or print):	Staff Signature:	Date:
Unit Manager (type or print):	Unit Manager Signature:	Date:
Division Director (type or print):	Division Director Signature:	Date:
Deputy (type or print):	Deputy Signature:	Date:

**Please attach a brief description of the situation in this school:** The number of administrative staff, teachers and students at the schools. Indicate why a composition waiver is needed rather than this school sharing a SSC with another school per the SBE Waiver Policy for Shared SSC's available at:

<http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc>

Table Mountain School is a small juvenile hall with a maximum of 60 students and 5 teachers, one of whom teaches special education students only, and one of whom is off each week on teaching rotation. The school also has .5 principal and .5 intervention teacher.

Following the guidelines in the Single Plan for Student Achievement model a secondary school would have a composition of 12 members, half of whom would be staff. For Table Mountain school this would involve the full complement of teachers serving all the time.

Table Mountain school would like to request a waiver so that one teacher, one classified, plus the principal would serve as the school composition and thus one parent, one representative and one student would be the other half of the composition. This would allow for an annual/two year rotation that involves a different set of staff.

There is no other similar school within a working distance to partner with this school site council.

CALIFORNIA DEPARTMENT OF EDUCATION

**SPECIFIC WAIVER: SCHOOL SITE COUNCIL- COMPOSITION OF MEMBERS**

First Time Waiver: \_\_\_\_\_

SW-1 (Rev. 10-2-2009)

<http://www.cde.ca.gov/re/lr/wr/>

Renewal Waiver:   X  

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send electronic copy in Word and  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		1	5	6	3	4	1	2
Local educational agency: Valley High School/ Delano Joint Union High School District		Contact name and recipient of approval/denial notice: Jason Garcia				Contact person's e-mail address: jgarcia@djuhsd.org		
Address: (City) (State) (ZIP)  1927 Randolph St. Delano, CA 3215		Phone (and extension, if necessary): 661-720-4180 Fax number: 661-725-7611						
Period of request: (month/day/year)  From: 6/7/2012 To: 6/7/2014		Local board approval date: (Required) May 15, 2012						
<b>LEGAL CRITERIA</b>								
<p>1. Authority for the waiver: Write the Education Code (EC) Section citation, which authorizes the waiver of the specific EC Section you want to waive: X Specific code section: <b>52863</b></p> <p><b>EC 52863</b> Any governing board, on behalf of a school site council, may request the State Board of Education to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)</p>								
<p>2. California Education Code or California Code of Regulations or portion to be waived. Section to be waived: (number) <b>EC 52852</b></p> <p>Requesting <b>reduced composition</b> in members for a small school. (Statute requires 12 members for a high schoolsite council and 10 members for elementary schoolsite council).</p>								
<p>3. If this is a renewal of a previously approved waiver, please list Waiver No: <b>179-12-2010-W-6</b> and date of SBE approval: <b>April 21, 2011</b> Renewals of waivers must be submitted two month before the active waiver expires.</p>								
<p>4. Collective bargaining unit information.</p> <p>Does the district have any employee bargaining units? ___ No <u>  X  </u> Yes If yes, please complete required information below:</p> <p>Bargaining unit(s) consulted on date(s): May 9, 2012 Name of bargaining units and representative(s) consulted: Delano Joint Union High School District Teachers Association (Arnold Garcia, President) and California School Employee Association Chapter 79 (Ricardo Rojas, President) The position(s) of the bargaining unit(s): ___ Neutral <u>  X  </u> Support ___ Oppose (Please specify why)</p> <p>Comments (if appropriate):</p>								
<p>5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name: Floyd Barbee, Jason Garcia, Julio Segura, Diana Sotelo, Linda McKnight, Eliseo Santillano, Susana Rubio, Pablo Smith, David Garibay, Maria Basquez.</p> <p>Date advisory committee/council reviewed request: May 9, 2012</p> <p><u>  10  </u> Approve ___ Neutral ___ Oppose</p> <p>Were there any objection? Yes ___ No <u>  10  </u> (If there were objections please specify)</p>								



CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**  
SW-1 (Rev. 10-2-2009)

6. Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived).  EC 52852 A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.		
7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)  <b>Please attach a brief description of the situation in this school:</b> The number of administrative staff, teachers and students at the schools. Indicate why a composition waiver is needed rather than this school sharing a SSC with another school per the SBE Waiver Policy for Shared SSC's available at: <a href="http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc">http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc</a>		
8. Demographic Information: <i>(District/school/program) Valley High School has a student population of 175 and is located in a small rural city in Kern County.</i>		
<b>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If yes, please attach explanation or copy of audit finding)  <b>Has there been a Coordinated Compliance Review finding on this issue?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If yes, please attach explanation or copy of CCR finding)		
<b>District or County Certification</b> – <i>I hereby certify that the information provided on this application is correct and complete.</i>		
Signature of Superintendent or Designee:	Title:	Date:
Signature of SELPA Director (only if a Special Education Waiver)		Date:
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

**Please attach a brief description of the situation in this school:** The number of administrative staff, teachers and students at the schools. Indicate why a composition waiver is needed rather than this school sharing a SSC with another school per the SBE Waiver Policy for Shared SSC's available at: <http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc>

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Valley High School is a small continuation school located in Delano, California. It serves three comprehensive high schools in the Delano Joint Union High School District. Total enrollment for the school fluctuates between 175 and 215 students. We have 2 administrators, 1 counselor, 1 security guard, 2 secretaries, 9 certificated teachers and 3 instructional aides. Located in a rural community, most of the students' parents are field laborers and or migrants who move from place to place following work availability. This, together with the transiency already built-in to a continuation school culture, makes it difficult to assemble a stable school site council membership that includes parents. When a parent does volunteer, they may not be available because of irregular work hours, or may become part of another school community soon after as their student transfers to another school. With this waiver, Valley High School plans on moving forward with School Site Council business at hand while avoiding any penalties an audit may bring. Attempts to include parents will continue, however, work will not halt for lack of parent participation. We still have a vibrant and dynamic membership in students and staff that I believe reflects the interests and concerns of this school community.

CALIFORNIA DEPARTMENT OF EDUCATION

**SPECIFIC WAIVER: SCHOOL SITE COUNCIL- COMPOSITION OF MEMBERS**

First Time Waiver: X

Renewal Waiver:     

SW-1 (Rev. 10-2-2009)

<http://www.cde.ca.gov/re/lr/wr/>

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send electronic copy in **Word** and  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		4	7	7	0	2	4	3
Local educational agency: Dunsmuir Elementary School		Contact name and recipient of approval/denial notice: Lucinda Rinne				Contact person's e-mail address: <a href="mailto:lrinne@sisnet.ssku.k12.ca.us">lrinne@sisnet.ssku.k12.ca.us</a>		
Address: (City) (State) (ZIP) 4760 Siskiyou Avenue Dunsmuir, CA 96025		Phone (and extension, if necessary): 530-235-4828						
Period of request: (month/day/year) From: July 1, 2012 To: June 30, 2014				Local board approval date: (Required) March 8, 2012				
<b>LEGAL CRITERIA</b>								
<p>1. Authority for the waiver: Write the Education Code (EC) Section citation, which authorizes the waiver of the specific EC Section you want to waive: X Specific code section: <b>52863</b></p> <p><b>EC 52863</b> Any governing board, on behalf of a school site council, may request the State Board of Education to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)</p>								
<p>2. California Education Code or California Code of Regulations or portion to be waived. Section to be waived: (number) <b>EC 52852</b></p> <p>Requesting <b>reduced composition</b> in members for a small school. (Statute requires 12 members for a high schoolsite council and 10 members for elementary schoolsite council).</p>								
<p>3. If this is a renewal of a previously approved waiver, please list Waiver No: and date of SBE approval Renewals of waivers must be submitted two month before the active waiver expires.</p>								
<p>4. Collective bargaining unit information.</p> <p>Does the district have any employee bargaining units? <u>    </u> No <u>X</u> Yes If yes, please complete required information below:</p> <p>Bargaining unit(s) consulted on date(s): February 28, 2012</p> <p>Name of bargaining units and representative(s) consulted: Dunsmuir Elementary Teachers' Association Members present: Susan Keeler, Susan Anro, Tammera Ridge and Donna Clark</p> <p>The position(s) of the bargaining unit(s): <u>    </u> Neutral <u>X</u> Support <u>    </u> Oppose (Please specify why)</p> <p>Comments (if appropriate):</p>								
<p>5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name: Dunsmuir Elementary School Site Council</p> <p>Date advisory committee/council reviewed request: March 7, 2012</p> <p><u>X</u> Approve <u>    </u> Neutral <u>    </u> Oppose</p> <p>Were there any objection? Yes <u>    </u> No <u>X</u> (If there were objections please specify)</p>								

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**  
SW-1 (Rev. 10-2-2009)

6. Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived).

*EC 52852 A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.*

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

Dunsmuir Elementary School Site Council composition would consist of 1 principal, 1 classified personnel, 2 teachers, and 4 parent/community members. Our elementary school has 7 classroom teachers, 3 of whom coach after school athletics throughout the year. The remaining 4 teachers take turns as members of the SSC for a term of 2 years each. A minimum of 3 teachers is required to comprise the majority persons represented under category (a). With only 4 teachers, a teacher has to serve 4 consecutive years to continue to meet the majority requirement. With only 2 teachers participating each year the representing teachers will be rotated to provide a break between terms.

8. Demographic Information:  
Dunsmuir Elementary School has a student population of 142 and is located in a rural area of Siskiyou County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** ☒ No ☐ Yes  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Coordinated Compliance Review finding on this issue?** ☒ No ☐ Yes  
(If yes, please attach explanation or copy of CCR finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:	Title:	Date:
Signature of SELPA Director (only if a Special Education Waiver)		Date:
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name (type or print):	Staff Signature:	Date:
Unit Manager (type or print):	Unit Manager Signature:	Date:
Division Director (type or print):	Division Director Signature:	Date:
Deputy (type or print):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER: SHARED SCHOOL SITE COUNCIL**

First Time Waiver: ☒  
Renewal Waiver: ☐

SW-1 (Rev. 10-2-2009)

<http://www.cde.ca.gov/re/lr/wr/>

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send electronic copy in Word and  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

CD CODE						
0	1	2	0	8	6	5
Local educational agency:  Greenfield Community School			Contact name and Title: Mathew W. Earls (Administrator of Alternative Education)		Contact person's e-mail address: earlsm@gfusd.k12.ca.us	
Address: (ZIP)  725 Capitola Drive			(City)  Bakersfield		(State)  California 93307	
Period of request: (month/day/year)  From: 2/9/12 To: 6/6/14			Local board approval date: (Required)  May 9, 2012			
<b>LEGAL CRITERIA</b>						
<p>1. Authority for the waiver: Write the Education Code (EC) Section citation, which authorizes the waiver of the specific EC Section you want to waive: EC 52863 Any governing board, on behalf of a school site council, may request the State Board of Education (SBE) to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)</p>						
<p>2. California Education Code or California Code of Regulations or portion to be waived. EC 52852 Schoolsite councils for <b>small schools sharing</b> common services or attendance areas, administration and other characteristics. Read SBE Waver Policy for Shared SSC's: <a href="http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc">http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc</a> Wavers meeting these conditions go to SBE Consent Calendar.</p>						
<p>3. If this is a renewal of a previously approved waiver, please list Waiver No: _____ and date of SBE approval Renewals of waivers must be submitted two months before the active waiver expires.</p>						
<p>4. Collective bargaining unit information. Does the district have any employee bargaining units? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes, please complete required information below:</p> <p>Bargaining unit(s) consulted on date(s): May 2, 2012 and May 3, 2012</p> <p>Name of bargaining units and representative(s) consulted:</p> <p>Greenfield Educators Association, Danielle Stightans and Paula Vanauken, Co-Presidents CSEA Greenfield Chapter 496, Lisa Young, President</p> <p>The position(s) of the bargaining unit(s): <input checked="" type="checkbox"/> Neutral <input type="checkbox"/> Support <input type="checkbox"/> Oppose (Please specify why)</p> <p>Comments (if appropriate):</p>						
<p>5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name: _____</p> <p>Date advisory committee/council reviewed request: 2/9/12</p> <p><input checked="" type="checkbox"/> Approve <input type="checkbox"/> Neutral <input type="checkbox"/> Oppose</p> <p>Were there any objections? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If there were objections please specify)</p>						

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**  
SW-1 (Rev. 10-2-2009)

6. California Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived).

*EC 52852 A schoolsite council shall be established at ~~each~~ school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.*

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

**Please attach a brief description of the situation in your area:** 1. The number of principals, students and teachers at each school 2. Do the schools have a common administration, curriculum, or other shared services? Explain. 3. Do the schools have a geographic proximity or similar student population? What is the distance?

This waiver request seeks to combine the School Site Council at Greenfield Community School with the School Site Council at Greenfield Middle School.

Greenfield Community School is a small Community Day School that serves between 15 and 45 students in third through eighth grade in the Greenfield School District, many of these students come from Greenfield Middle School. The number of students in attendance fluctuates greatly throughout the year. This high mobility rate among students makes it difficult to establish an active and consistent group of parents to participate in the governance of the school. The school is staffed with three teachers and one part-time administrator. Greenfield Community School offers the same curriculum, offers shared services, and has a geographic proximity and similar population to Greenfield Middle School.

Greenfield Middle School serves approximately 900 sixth through eighth grade students with 41 teachers, one principal and one assistant principal. Greenfield Middle School is located two blocks from Greenfield Community School and many students reside in the same housing areas.

The Greenfield District is a Title I district, and therefore the Greenfield Community School needs a viable and consistent School Site Council to provide oversight and guidance for not only state programs but also the distribution and use of Title I funds. As mentioned above, the high mobility rate of the Greenfield Community School students makes it difficult to establish an active and consistent group of parents to participate in the governance of the school. A combined School Site Council will allow continuity and oversight of the community school programs.

8. Demographic Information:  
Greenfield Community School has a student population of 45 and is located in rural Kern County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**  X  No \_\_\_ Yes  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Coordinated Compliance Review finding on this issue?**  X  No \_\_\_ Yes  
(If yes, please attach explanation or copy of CCR finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:

Title:  
Superintendent

Date:  
May 9, 2012

Signature of SELPA Director (only if a Special Education Waiver)		Date:
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER: SHARED SCHOOL SITE COUNCIL**

SW-1 (Rev. 10-2-2009)

<http://www.cde.ca.gov/re/lr/wr/>

First Time Waiver: \_\_\_\_  
Renewal Waiver:   X  

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send electronic copy in Word and  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		5	2	7	1	5	6	3
Local educational agency: Lassen View Elementary School District		Contact name and Title: Mancill Tiss- Superintendent/Principal				Contact person's e-mail address: <a href="mailto:mtiss@lassenview.org">mtiss@lassenview.org</a>		
Address: (City) (State) (ZIP)  10818 Hwy. 99E Los Molinos CA 96080		Phone (and extension, if necessary): (530)527-5162 Fax number: (530)527-2331						
Period of request: (month/day/year)  From: 08/15/2012 To: 08/15/2014		Local board approval date: (Required)  05/21/2012						
<b>LEGAL CRITERIA</b>								
<p>1. Authority for the waiver: Write the Education Code (EC) Section citation, which authorizes the waiver of the specific EC Section you want to waive: EC 52863 Any governing board, on behalf of a school site council, may request the State Board of Education (SBE) to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)</p>								
<p>2. California <i>Education Code</i> or <i>California Code of Regulations</i> or portion to be waived. EC 52852 Schools site councils for <b>small schools sharing</b> common services or attendance areas, administration and other characteristics. Read SBE Waiver Policy for Shared SSC's: <a href="http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc">http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc</a> Wavers meeting these conditions go to SBE Consent Calendar.</p>								
<p>3. If this is a renewal of a previously approved waiver, please list Waiver No: <b>3-9-2010-WC-12</b> and date of SBE approval <b>11/17/2010</b> Renewals of waivers must be submitted two months before the active waiver expires.</p>								
<p>4. Collective bargaining unit information. Does the district have any employee bargaining units? ____ No <b>(X)</b> Yes If yes, please complete required information below:  Bargaining unit(s) consulted on date(s): <b>05/15/2012</b>  Name of bargaining units and representative(s) consulted: <b>Lassen View Teachers Association Bettie Skelton</b>  The position(s) of the bargaining unit(s): ____ Neutral <b>(X)</b> Support ____ Oppose (<i>Please specify why</i>)  Comments (if appropriate):</p>								
<p>5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name: <b>Lassen View Elementary School Site Council</b>  Date advisory committee/council reviewed request: <b>05/09/2012</b>  ____ Approve ____ Neutral ____ Oppose  Were there any objections? Yes ____ No <b>(X)</b> (If there were objections please specify)</p>								



CALIFORNIA DEPARTMENT OF EDUCATION

**SPECIFIC WAIVER REQUEST**

SW-1 (Rev. 10-2-2009)

<p>6. California Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived).</p> <p>EC 52852 A schoolsite council shall be established at <del>each</del> school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.</p>		
<p>7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. <b>We have an elementary school of 317 students and a Community Day School of 5. We have been doing this waiver for several years now. The community day school population is very fluid which makes it difficult to have a separate council.</b></p> <p><b>Please attach a brief description of the situation in your area:</b> 1. The number of principals, students and teachers at each school 2. Do the schools have a common administration, curriculum, or other shared services? Explain. 3. Do the schools have a geographic proximity or similar student population? What is the distance?</p> <p>We have 1 principal for both schools, 317 students on the main campus and 5 in our CDS. We have 17 teachers on our main site and 1 at our CDS. We have the same curriculum and are located on the same site.</p>		
<p>8. Demographic Information: (District/school/program) <b>Lassen View Elementary District</b> has a student population of <b>317</b> in our regular setting and <b>5</b> in our CDS and is located in a <b>rural</b> setting in <b>Tehama County</b>.</p>		
<p><b>Is this waiver associated with an apportionment related audit penalty? (per EC 41344) (X) No</b> ____ Yes (If yes, please attach explanation or copy of audit finding)</p> <p><b>Has there been a Coordinated Compliance Review finding on this issue? (X) No</b> ____ Yes (If yes, please attach explanation or copy of CCR finding)</p>		
<p><b>District or County Certification</b> – <i>I hereby certify that the information provided on this application is correct and complete.</i></p>		
<p>Signature of Superintendent or Designee: Mancill Tiss</p>	<p>Title: Superintenden/Principal</p>	<p>Date: 05/22/2012</p>
<p>Signature of SELPA Director (only if a Special Education Waiver)</p>		<p>Date:</p>
<p><b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b></p>		
<p>Staff Name (<i>type or print</i>):</p>	<p>Staff Signature:</p>	<p>Date:</p>
<p>Unit Manager (<i>type or print</i>):</p>	<p>Unit Manager Signature:</p>	<p>Date:</p>
<p>Division Director (<i>type or print</i>):</p>	<p>Division Director Signature:</p>	<p>Date:</p>
<p>Deputy (<i>type or print</i>):</p>	<p>Deputy Signature:</p>	<p>Date:</p>

CALIFORNIA DEPARTMENT OF EDUCATION

**SPECIFIC WAIVER: SCHOOL SITE COUNCIL - COMPOSITION OF MEMBERS**

First Time Waiver: \_\_\_\_\_

SW-1 (Rev. 10-2-2009)

<http://www.cde.ca.gov/re/lr/wr/>

Renewal Waiver: **X**

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send electronic copy in **Word** and  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		4	2	6	9	2	2	9
Local educational agency: <b>LOMPOC UNIFIED SCHOOL DISTRICT</b>		Contact name and recipient of approval/denial notice: <b>Laura-Lee Parks</b>				Contact person's e-mail address: <b>parks.lauralee@lusd.org</b>		
Address: (City) (State) (ZIP) <b>P.O. BOX 8000 LOMPOC CA 93438-8000</b>						Phone (and extension, if necessary): <b>805-742-3250</b>  Fax number: <b>805-742-3314</b>		
Period of request: (month/day/year)  From: <b>6/6/2011</b> To: <b>6/5/2013</b>				Local board approval date: (Required)  <b>June 21, 2011</b>				
<b>LEGAL CRITERIA</b>								
<p>1. Authority for the waiver: Write the Education Code (EC) Section citation, which authorizes the waiver of the specific EC Section you want to waive: X Specific code section: <b>52863</b></p> <p><b>EC 52863</b> Any governing board, on behalf of a school site council, may request the State Board of Education to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)</p>								
<p>2. California Education Code or California Code of Regulations or portion to be waived. Section to be waived: (number) <b>EC 52852</b></p> <p>Requesting <b>reduced composition</b> in members for a small school. (Statute requires 12 members for a high schoolsite council and 10 members for elementary schoolsite council).</p>								
<p>3. If this is a renewal of a previously approved waiver, please list Waiver No: 29-5-2009-W-16 and date of SBE approval 5/12/09 Renewals of waivers must be submitted two months before the active waiver expires.</p>								
<p>4. Collective bargaining unit information.</p> <p>Does the district have any employee bargaining units? ___ No <b>X</b> Yes If yes, please complete required information below:</p> <p>Bargaining unit(s) consulted on date(s): <b>6/7/11</b></p> <p>Name of bargaining units and representative(s) consulted: <b>Lompoc Federation of Teachers (LFT) – Martha Bauer, Vice-President of Membership; Classified State Employees Association (CSEA) – Terri Moya, President</b></p> <p>The position(s) of the bargaining unit(s): ___ Neutral <b>X</b> Support ___ Oppose (Please specify why)</p> <p>Comments (if appropriate):</p>								

5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED).  
Name: **Maple High School's School Site Council**

Date advisory committee/council reviewed request: **6/1/2011**

☒ Approve ☐ Neutral ☐ Oppose

Were there any objection? Yes ☐ No ☒ (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION

### **SPECIFIC WAIVER REQUEST**

SW-1 (Rev. 10-2-2009)

6. Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived).

*EC 52852 A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.*

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

**Please attach a brief description of the situation in this school:** The number of administrative staff, teachers and students at the schools. Indicate why a composition waiver is needed rather than this school sharing a SSC with another school per the SBE Waiver Policy for Shared SSC's available at: <http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc>

8. Demographic Information:

**Maple High School has a student population of 200 and is located in a rural community in Santa Barbara County.**

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** ☒ No ☐ Yes  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Coordinated Compliance Review finding on this issue?** ☒ No ☐ Yes  
(If yes, please attach explanation or copy of CCR finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee: <b>Gregory Kampf</b>	Title: <b>Superintendent of Schools</b>	Date: <b>June 21, 2011</b>
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Signature of SELPA Director (only if a Special Education Waiver)	Date:
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#### **FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

Staff Name (type or print):	Staff Signature:	Date:
Unit Manager (type or print):	Unit Manager Signature:	Date:
Division Director (type or print):	Division Director Signature:	Date:
Deputy (type or print):	Deputy Signature:	Date:

### **DESIRED OUTCOME / RATIONALE**

Maple Continuation High School, an alternative education facility, is requesting a waiver for a School Site Council. Maple High School has approximately 200 students at any one time, but over the course of the year we have served 364 students. This is due to the transient nature of our population. As per our previous waiver, Maple has a School Site Advisory Team composed of the principal, one teacher, one classified employee, two parents and one pupil. This has been a very effective team that will have met a total of six times to discuss and take action on the School Plan.

Our location in Vandenberg Village has allowed us to connect with parents and communities frequently with potlucks, ELAC, School Site Advisory and parent meetings. Maple's student population's transient nature has not changed, and this is the main reason a waiver is needed.

Maple High School requests that the School Site Advisory Team continue to be allowed to function as the School Site Council for the foreseeable future. A large portion of our student body members tend to relocate from school to school within the school year. This fluidity requires flexibility on the part of the staff and district. Our School Site Advisory Team can function most productively and efficiently in this configuration as a smaller unit rather than a larger School Site Council.

Administrative Staff*	Teachers	Students
1 FTE	9 FTE	200

Maple High School's unique population does not blend easily with the local consolidated high school population. The student's needs differ and could be viewed as a minority if combined into a 'shared' Site Council. As a minority, the support and resources necessary to achieve their full potential could be minimized and not fully served to their best interest. We feel this smaller team can better serve the students.

\*Administrative Staff: 1 FTE Principal, 1 FTE Counselor, 1 FTE Administrative Assistant, 1 FTE Registrar, .5 FTE Attendance Clerk

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER: SHARED SCHOOL SITE COUNCIL**

First Time Waiver: \_\_\_\_  
Renewal Waiver:   X  

SW-1 (Rev. 10-2-2009)

<http://www.cde.ca.gov/re/lr/wr/>

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send electronic copy in Word and  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		3	7	6	8	2	1	3
Local educational agency: Clover Flat Jacumba Compact, Mountain Empire Unified School District		Contact name and Title: Bill Dennett, Principal				Contact person's e-mail address: bdennett@meusd.k12.ca.us		
Address: (City) (State) (ZIP)		Phone (and extension, if necessary): 619.766.4655 x201 Fax number: 619.766.4537						
39639 Old Highway 80 Boulevard CA 91905								
Period of request: (month/day/year)		Local board approval date: (Required)						
From: August 28, 2012 To: August 27, 2014		June 26, 2012						
<b>LEGAL CRITERIA</b>								
<p>1. Authority for the waiver: Write the Education Code (EC) Section citation, which authorizes the waiver of the specific EC Section you want to waive: <b>EC 52863</b> Any governing board, on behalf of a school site council, may request the State Board of Education (SBE) to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)</p>								
<p>2. California <i>Education Code</i> or <i>California Code of Regulations</i> or portion to be waived. <b>EC 52852</b> Schoolsite councils for <b>small schools sharing</b> common services or attendance areas, administration and other characteristics. Read SBE Waiver Policy for Shared SSC's: <a href="http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc">http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc</a> Wavers meeting these conditions go to SBE Consent Calendar.</p>								
<p>3. If this is a renewal of a previously approved waiver, please list Waiver No: <u>18-4-2009-W-49</u> and date of SBE approval July 9, 2009</p>								
<p>4. Collective bargaining unit information. Does the district have any employee bargaining units? ____ No <u>  X  </u> Yes If yes, please complete required information below:</p> <p>Bargaining unit(s) consulted on date(s): June 5, 2012</p> <p>Name of bargaining units and representative(s) consulted: CSEA Mountain Empire Chapter 441 – Sheryl Bush-Carmody; Mountain Empire Teacher's Association – Mari Mann;</p> <p>The position(s) of the bargaining unit(s): ____ Neutral <u>  X  </u> Support ____ Oppose (<i>Please specify why</i>)</p> <p>Comments (if appropriate):</p>								
<p>5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name: <b>Clover Flat Jacumba Compact School Site Council</b></p> <p>Date advisory committee/council reviewed request: <u>March 6, 2012</u></p> <p><u>  X  </u> Approve ____ Neutral ____ Oppose</p> <p>Were there any objections? Yes ____ No <u>  X  </u> (If there were objections please specify)</p>								

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**  
SW-1 (Rev. 10-2-2009)

6. California Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived).

*EC 52852 A schoolsite council shall be established at ~~each~~ school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.*

7. Desired outcome/rationale. Allow one joint school site council to function for two small schools, Clover Flat Elementary School and Jacumba Elementary School.

The desired outcome is to enhance the Mission and Vision of the Clover Flat Jacumba Compact by having one School Site Council serve both sites. Clover Flat School serves students (gr 2-8) from the communities of Boulevard and Jacumba. Jacumba serves Kindergarten and first grade from the communities of Boulevard and Jacumba. Clover Flat was awarded the California Distinguished School Award and the Title 1 Achievement School award in 2008. Clover Flat has again been nominated for the California Distinguished School Award this year.

**Please attach a brief description of the situation in your area:** 1. The number of principals, students and teachers at each school 2. Do the schools have a common administration, curriculum, or other shared services? Explain. 3. Do the schools have a geographic proximity or similar student population? What is the distance?

Demographic Information: Mountain Empire Unified School District~~ Clover Flat Jacumba Compact has a combined student population of 200 (Clover Flat-154) (Jacumba- 46) and is located in a rural area 65 miles east of San Diego in San Diego County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** X No \_\_\_\_ Yes  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Coordinated Compliance Review finding on this issue?** X No \_\_\_\_ Yes  
(If yes, please attach explanation or copy of CCR finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:	Title: Superintendent	Date:
Signature of SELPA Director (only if a Special Education Waiver)		Date:
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name (type or print):	Staff Signature:	Date:
Unit Manager (type or print):	Unit Manager Signature:	Date:
Division Director (type or print):	Division Director Signature:	Date:
Deputy (type or print):	Deputy Signature:	Date:

Attachment 1  
Page 3 of 3

The Compact shares one Principal who divides his time at both sites for a combined student population of 200 students. Jacumba has 3 teachers and Clover Flat has 8 teachers. This year, the Jacumba Elementary portion of the Compact serves 46 students in Kindergarten and first grade from both communities. Clover Flat serves 154 students in grades two through eighth from both communities. The Compact shares a PE teacher, Speech/Language teacher, and a RSP teacher. Both schools share the adopted district curriculum. The compact has one PTA that draws members from both communities and teachers from both sites regularly attend the meetings.

Clover Flat Elementary and Jacumba Elementary Schools are part of the Mountain Empire Unified School District (MEUSD) which is located in a rural area of east San Diego County. In 2003, Clover Flat School and Jacumba School combined and formed the Clover Flat Jacumba Compact serving students from the communities of Boulevard and Jacumba. Clover Flat School is located in Boulevard, 65 miles east of San Diego and 17 miles east of the MEUSD. Jacumba Elementary is 7 miles east of Clover Flat School and 24 miles east of MEUSD.

Due to the administration of the Compact and because it serves both communities, we would like to renew our School Site Council Waiver to allow one school site council to serve both sites.

CALIFORNIA DEPARTMENT OF EDUCATION

**SPECIFIC WAIVER: SCHOOL SITE COUNCIL- COMPOSITION OF MEMBERS**

**First Time Waiver: X**

**Renewal Waiver: \_\_\_\_\_**

SW-1 (Rev. 10-2-2009)

<http://www.cde.ca.gov/re/lr/wr/>

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send electronic copy in **Word** and  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		1	0	1	0	4	0	5
Local educational agency: <b>San Luis Obispo Co Office of Education</b> <b>San Luis Obispo Co Court &amp; Community School</b>		Contact name and recipient of approval/denial notice: <b>David Bender</b>				Contact person's e-mail address: <b>dbender@slocoe.org</b>		
Address: (City) (State) ZIP) <b>3350 Education Dr, San Luis Obispo, CA 93405</b>		Phone (and extension, if necessary): <b>805-782-7340</b> Fax number: <b>805-543-2599</b>						
Period of request: (month/day/year) From: <b>7/1/12</b> To: <b>7/1/14</b>		Local board approval date: (Required) <b>6/7/12</b>						
<b>LEGAL CRITERIA</b>								
<p>1. Authority for the waiver: Write the Education Code (EC) Section citation, which authorizes the waiver of the specific EC Section you want to waive: X Specific code section: <b>52863</b></p> <p><b>EC 52863</b> Any governing board, on behalf of a school site council, may request the State Board of Education to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)</p>								
<p>2. California <i>Education Code</i> or <i>California Code of Regulations</i> or portion to be waived. Section to be waived: (number) <b>EC 52852</b></p> <p>Requesting <b>reduced composition</b> in members for a small school. (Statute requires 12 members for a high schoolsite council and <del>10 members for elementary schoolsite council</del>).</p>								
<p>3. If this is a renewal of a previously approved waiver, please list Waiver No: _____ and date of SBE approval Renewals of waivers must be submitted two month before the active waiver expires.</p>								
<p>4. Collective bargaining unit information.</p> <p>Does the district have any employee bargaining units? ___ No <b>X</b> Yes If yes, please complete required information below:</p> <p>Bargaining unit(s) consulted on date(s): <b>May 8, 2012</b></p> <p>Name of bargaining units and representative(s) consulted: <b>San Luis Obispo County Education Association/CTA, Julie Schuyler, President</b></p> <p>The position(s) of the bargaining unit(s): ___ Neutral <b>X</b> Support ___ Oppose (<i>Please specify why</i>) Comments (if appropriate):</p>								
<p>5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name: <b>Alternative Governance Board</b></p> <p>Date advisory committee/council reviewed request: <b>6/7/12</b> <b>X</b> Approve ___ Neutral ___ Oppose</p> <p>Were there any objection? Yes ___ No <b>X</b> (If there were objections please specify)</p>								



CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**  
SW-1 (Rev. 10-2-2009)

6. Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived).

*EC 52852 A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.*

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary)

**San Luis Obispo County Juvenile Court and Community Schools serve approximately 350 students housed on 5 sites, with 15 teachers and 2 administrators. The student population is very fluid, with approximately 50% turnover annually. In addition, there is a significant single parent family population, many of whom lack prior parent involvement or interest in their student's education. Many of the students are homeless (couch-surfing, living with friends, etc) and have limited contact with their parents.**

**Sustaining a School Site Council (SSC) with a minimum of 12 members to meet EC 52852 is a hardship and recruitment has not been attainable.**

**San Luis Obispo County Juvenile Court and Community School would like to propose a SSC composition of the following eight members: 1 principal, 1 teacher, 1 member from AGB (Alternative Governance Board), 1 school site support staff, as well as, 2 community agency partners (probation, mental health or drug & alcohol services), 1 parent, and 1 student, to function as the advisory group for this school. The SSC would be tasked with reviewing data, budget, programs and services, and making recommendations for the academic, as well as the social-emotional needs for this specialized student population.**

8. Demographic Information:

**Approximately 350 students, grades 7-12, are served at four community school sites (North County, So County, Coastal and Central areas) and one juvenile court site, reaching all regions of this rural county.**

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** ☒ No ☐ Yes  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Coordinated Compliance Review finding on this issue?** ☒ No ☐ Yes  
(If yes, please attach explanation or copy of CCR finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:

Title:

Date:

Signature of SELPA Director (only if a Special Education Waiver)		Date:
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION

**SPECIFIC WAIVER: SHARED SCHOOL SITE COUNCIL**

**First Time Waiver:   X**

SW-1 (Rev. 10-2-2009)

<http://www.cde.ca.gov/re/lr/wr/>

**Renewal Waiver:**

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send electronic copy in Word and  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		5	0	3	0	2	2	6
Local educational agency:		Contact name and Title				Contact person's e-mail address:		
Stanislaus County Office of Education		Telka Walser				twalser@stancoe.org		
Address: (City) (State) (ZIP)						Phone (and extension, if necessary):		
2209 Blue Gum Ave Modesto CA 95358						209-238-6716		
						Fax number: 209-238-6796		
Period of request: (month/day/year)				Local board approval date: (Required)				
From: 7/1/12 To: 6/30/14				4/10/2012				
<b>LEGAL CRITERIA</b>								
<p>1. Authority for the waiver: Write the Education Code (EC) Section citation, which authorizes the waiver of the specific EC Section you want to waive:  <b>EC 52863</b> Any governing board, on behalf of a school site council, may request the State Board of Education (SBE) to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)</p>								
<p>2. California <i>Education Code</i> or <i>California Code of Regulations</i> or portion to be waived.  <b>EC 52852</b> Schoolsite councils for <b>small schools sharing</b> common services or attendance areas, administration and other characteristics.  Read SBE Waiver Policy for Shared SSC's: <a href="http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc">http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc</a>  Wavers meeting these conditions go to SBE Consent Calendar.</p>								
<p>3. If this is a renewal of a previously approved waiver, please list Waiver No: <u>  X  </u> and date of SBE approval  Renewals of waivers must be submitted two months before the active waiver expires.</p>								
<p>4. Collective bargaining unit information.  Does the district have any employee bargaining units? <u>  No  </u> <u>  X  </u> Yes If yes, please complete required information below:</p> <p>Bargaining unit(s) consulted on date(s): 12/15/11 and 2/22/12</p> <p>Name of bargaining units and representative(s) consulted: 12/15/11 – California School Employee Association (Debbie Wey, Ruth Gloria)  2/22/12 – Stanislaus Associated Certificated Personal (Marti Persons, Roland Shores)</p> <p>The position(s) of the bargaining unit(s): <u>  Neutral  </u> <u>  X  </u> Support <u>  Oppose  </u> (Please specify why)</p> <p>Comments (if appropriate):</p>								
<p>5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name: <u>  SSC  </u></p> <p>Date advisory committee/council reviewed request: <u>  10/31/2011  </u></p> <p><u>  X  </u> Approve <u>  Neutral  </u> <u>  Oppose  </u></p> <p>Were there any objections? Yes <u>  No  </u> <u>  X  </u> (If there were objections please specify)</p>								

CALIFORNIA DEPARTMENT OF EDUCATION

**SPECIFIC WAIVER REQUEST**

SW-1 (Rev. 10-2-2009)

6. California Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived).  <i>EC 52852 A schoolsite council shall be established at <b>Petersen Alternative Center for Education and Stanislaus Community School</b> which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at <del>the</del> <b>each</b> school; other school personnel selected by other school personnel at <del>the</del> <b>each</b> school; parents of pupils attending the schools selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.</i>		
7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)  <b>Please attach a brief description of the situation in your area:</b> 1. The number of principals, students and teachers at each school 2. Do the schools have a common administration, curriculum, or other shared services? Explain. 3. Do the schools have a geographic proximity or similar student population? What is the distance? Petersen Alternative Center for Education and Stanislaus Community School are schools operated by the Stanislaus County Office of Education. Stanislaus Community School is located within the Stanislaus Juvenile Detention Center. They are located on the same block adjacent to one another in Modesto California. The schools share county office administrative support and services as well as a site principal and academic counselor. Curriculum and assessment is shared along with 3 other county run programs under the Alternative Education umbrella. The schools have different CDS codes however have been operating a combined SSC for years. Following a recent FPM visit it was made clear that this could only be done with a waiver from the state which we respectfully request.		
8. Demographic Information: <u>Petersen Alternative Center for Education</u> has a student population of <u>369</u> and is located in a urban, <del>rural, or small city etc.</del> area in <u>Stanislaus</u> County.		
<b>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If yes, please attach explanation or copy of audit finding)		
<b>Has there been a Coordinated Compliance Review finding on this issue?</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If yes, please attach explanation or copy of CCR finding)		
<b>District or County Certification</b> – I hereby certify that the information provided on this application is correct and complete.		
Signature of Superintendent or Designee:	Title:	Date:
Signature of SELPA Director (only if a Special Education Waiver)		Date:
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name (type or print):	Staff Signature:	Date:
Unit Manager (type or print):	Unit Manager Signature:	Date:
Division Director (type or print):	Division Director Signature:	Date:
Deputy (type or print):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION

**SPECIFIC WAIVER: SCHOOL SITE COUNCIL- COMPOSITION OF MEMBERS**

First Time Waiver:   X  

Renewal Waiver:       

SW-1 (Rev. 10-2-2009) <http://www.cde.ca.gov/re/lr/wr/>

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Sacramento, CA 95814

Send electronic copy in Word and  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		5	3	7	1	7	6	1
Local educational agency: <b>Trinity Center Elementary School District</b>	Contact name and recipient of approval/denial notice: <b>Veronica Stewart</b>	Contact person's e-mail address: <b>vstewart@tcoek12.org</b>						
Address: (City) (State) (ZIP) <b>1 Trinity Vista Dr. / P.O. Box 127, Trinity Center, CA 96091</b>		Phone (and extension, if necessary): <b>(530) 266-3342</b> Fax number: <b>(530) 266-3381</b>						
Period of request: (month/day/year) From: <b>7/1/2012</b> To: <b>6/30/2014</b>		Local board approval date: (Required) <b>February 16, 2012</b>						
<b>LEGAL CRITERIA</b>								
<p>1. Authority for the waiver: Write the Education Code (EC) Section citation, which authorizes the waiver of the specific EC Section you want to waive: X Specific code section: <b>52863</b></p> <p><b>EC 52863</b> Any governing board, on behalf of a school site council, may request the State Board of Education to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)</p>								
<p>2. California Education Code or California Code of Regulations or portion to be waived. Section to be waived: (number) <b>EC 52852</b></p> <p>Requesting <b>reduced composition</b> in members for a small school. (Statute requires 12 members for a high schoolsite council and 10 members for elementary schoolsite council).</p>								
<p>3. If this is a renewal of a previously approved waiver, please list Waiver No:      and date of SBE approval Renewals of waivers must be submitted two month before the active waiver expires.</p>								
<p>4. Collective bargaining unit information.</p> <p>Does the district have any employee bargaining units? <u>  X  </u> No <u>      </u> Yes    If yes, please complete required information below:</p> <p>Bargaining unit(s) consulted on date(s):</p> <p>Name of bargaining units and representative(s) consulted:</p> <p>The position(s) of the bargaining unit(s): <u>      </u> Neutral <u>      </u> Support <u>      </u> Oppose (<i>Please specify why</i>)</p> <p>Comments (if appropriate):</p>								
<p>5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name: <b>Trinity Center Elementary School Site Council</b></p> <p>Date advisory committee/council reviewed request: <b>February 7, 2012</b></p> <p><u>  X  </u> Approve <u>      </u> Neutral <u>      </u> Oppose</p> <p>Were there any objection? Yes <u>      </u> No <u>  X  </u> (If there were objections please specify)</p>								

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**  
SW-1 (Rev. 10-2-2009)

<p>6. Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived).</p> <p><i>EC 52852 A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.</i></p>		
<p>7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)</p> <p><b>Please attach a brief description of the situation in this school:</b> The number of administrative staff, teachers and students at the schools. Indicate why a composition waiver is needed rather than this school sharing a SSC with another school per the SBE Waiver Policy for Shared SSC's available at: <a href="http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc">http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc</a></p>		
<p>8. Demographic Information: <b>Trinity Center Elementary School has a student population of 15 (Kindergarten thru Eighth Grade) and is located in an extremely rural area in Trinity County.</b></p>		
<p><b>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If yes, please attach explanation or copy of audit finding)</p> <p><b>Has there been a Coordinated Compliance Review finding on this issue?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If yes, please attach explanation or copy of CCR finding)</p> <p><b>District or County Certification</b> – I hereby certify that the information provided on this application is correct and complete.</p>		
Signature of Superintendent or Designee:	Title: <b>Superintendent</b>	Date:
Signature of SELPA Director (only if a Special Education Waiver)		Date:
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name (type or print):	Staff Signature:	Date:
Unit Manager (type or print):	Unit Manager Signature:	Date:
Division Director (type or print):	Division Director Signature:	Date:
Deputy (type or print):	Deputy Signature:	Date:

**Trinity Center Elementary School**  
**P.O. Box 127, 1 Trinity Vista Dr.**  
**Trinity Center, CA 96091**  
**(530) 266-3342 phone (530) 266-3381 fax**

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February 7, 2012

To Whom It May Concern:

Our school district needs to apply for this waiver because our school's enrollment is dropping and our staff is decreasing. Currently, our School Site Council consists of 6 members: 3 parents, 1 administrator, 1 classified employee, and 1 teacher. We would like to request a waiver for a School Site Council consisting of 4 members: 2 parents, 1 administrator, and 1 teacher.

Trinity Center Elementary School District is extremely small; we are a single school district. The student population from Kindergarten through Eighth Grade is 17 this school year. We have 1 Teacher Assistant, 1 Part-time Teacher, and 1 Teacher/Principal. There is an Administrative Assistant/Business Manager and a part-time Superintendent. Next year, we're going to have to further reduce our staff by possibly laying off our part-time teacher. In that instance, we would also like to request that we would be able to substitute a classified employee to serve instead of the teacher. Our school doesn't have a cafeteria and doesn't provide transportation for our students either so our staff body is extremely small.

Trinity Center School is also extremely rural so sharing a School Site Council with another school wouldn't work. Applying for this waiver will enable us to comply with the State requirements on a smaller scale. Thank you for your consideration.

Thanks,

Carole Havens  
Superintendent

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**

SW-1 (Rev. 4-24/09) <http://www.cde.ca.gov/re/lr/wr/>  
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**First Time Waiver:**  
**Renewal Waiver: X**

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814  
Send Electronic copy and back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

**Faxed originals will not be accepted!**

		CD CODE						
		5	3	1	0	5	3	8
Local educational agency:		Contact name and recipient of approval/denial notice:				Contact person's e-mail address:		
Trinity County Juvenile Hall Court School		Cricket F.L. Kidwell				cfkidwell@tcoek12.org		
Address: (City) (State) (ZIP)						Phone (and extension, if necessary):		
PO. Box 1256 Weaverville CA 96093						530-623-2861 ext. 253		
						Fax number: 530-623-4489		
Period of request: (month/day/year)				Local board approval date: (Required)				
From: 7/1/12 To: 6/30/14				May 24, 2012				
<b>LEGAL CRITERIA</b>								
<p>1. Authority for the waiver: ____ Specific code section: EC 52863 Write the <i>EC</i> Section citation, which allows you to request, or authorizes the waiver of the specific <i>EC</i> Section you want to waive.</p> <p>Any governing board, on behalf of a school site council, may request the State Board of Education to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program.</p> <p>If the State Board of Education approves a waiver request, the waiver shall apply only to the school or schools which requested the waiver and shall be effective for no more than two years. The State <b>Board of Education may renew a waiver request.</b></p>								
<p>2. <i>Education Code</i> or <i>California Code of Regulations</i> or portion to be waived. Section to be waived: 52852 Circle One: <u>EC</u> or CCR</p> <p>Brief Description of the topic of the waiver:</p> <p>Due to the constant transfer of the incarcerated students in and out of the Trinity County Juvenile Hall Court School on a day-to-day basis and the inability to maintain an on-going parent group, the Trinity County Office of Education requests that for the purpose of the site council, person(s) serving in loco parentis roles, such as probation department staff, be allowed to fill the parental role(s) on the school site council. The Trinity County Probation Department is supported by the courts that they are to be the caretakers and have authority of the incarcerated students in all matters pertaining to their well-being and matters of supervision, daily activities, and education. (CALIFORNIA WELFARE AND INSTITUTIONS CODE SECTIONS 601-602)</p>								
<p>3. If this is a renewal of a previously approved waiver, please list Waiver No: 33-5-2009-@-11 and date of SBE approval: September 17, 2009</p>								



4. Collective bargaining unit information. (Not necessary for EC 56101 waivers)

Does the district have any employee bargaining units? ☐ No ☒ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): May 9, 2012

Name of bargaining units and representative(s) consulted: Mary Nixon, Trinity County Office of Education

The position(s) of the bargaining unit(s): ☐ Neutral ☒ Support ☐ Oppose (*Please specify why*) n/a

Comments (if appropriate):

5. Advisory committee or school site council that reviewed the waiver. Name: Trinity County Court School Site Council

Per EC 33051(a) if the waiver affects a program that requires a school site council that council must **approve** the request.  
Date advisory committee/council reviewed request: May 3, 2012

☒ Approve ☐ Neutral ☐ Oppose

Were there any objection? Yes ☐ No ☒ (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION

**SPECIFIC WAIVER REQUEST**

SW-1 (Rev. 4-24/09)

Page 2 of 2

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a strike out key if only portions of sections are to be waived). (Attach additional pages if necessary.)

A school site council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.

At the elementary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) parents or other community members selected by parents.

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

This waiver will allow the site council to function in spite of the exceptional circumstances under which Juvenile Hall Court Schools must function. The on-going transferring of students in and out of the facility does not allow for a stable, consistent parent group on any given day or week. To approve this waiver will allow the facility to function with the support and decision-making skills of the stakeholders who are the de facto caretakers of the incarcerated students.

8. Demographic Information:

The Trinity County Juvenile Hall Court School involved has an average student population of approximately 10-14 incarcerated youth and is located in the rural town of Weaverville (population 3500) in Trinity County.

<p>9. For a renewal waiver only, district also must certify:</p> <table> <tr> <td>True</td> <td>False</td> <td></td> </tr> <tr> <td>X</td> <td>___</td> <td>The facts that precipitated the original waiver request have not changed.</td> </tr> <tr> <td>X</td> <td>___</td> <td>The remedy for the problem has not changed.</td> </tr> <tr> <td>X</td> <td>___</td> <td>Members of the local governing board and district staff are not aware of the existence of any controversy over the implementation of this waiver or the request to extend it.</td> </tr> </table> <p>Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.</p>			True	False		X	___	The facts that precipitated the original waiver request have not changed.	X	___	The remedy for the problem has not changed.	X	___	Members of the local governing board and district staff are not aware of the existence of any controversy over the implementation of this waiver or the request to extend it.
True	False													
X	___	The facts that precipitated the original waiver request have not changed.												
X	___	The remedy for the problem has not changed.												
X	___	Members of the local governing board and district staff are not aware of the existence of any controversy over the implementation of this waiver or the request to extend it.												
<p><b>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</b> X No ___ Yes (If yes, please attach explanation or copy of audit finding)</p>														
<p><b>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</b> X No ___ Yes (If yes, please attach explanation or copy of CPM finding)</p>														
<p><b>District or County Certification</b> – I hereby certify that the information provided on this application is correct and complete.</p>														
Signature of Superintendent or Designee:	Title: Trinity County Assistant Superintendent	Date:												
Signature of SELPA Director (only if a Special Education Waiver)		Date:												
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>														
Staff Name (type or print):	Staff Signature:	Date:												
Unit Manager (type or print):	Unit Manager Signature:	Date:												
Division Director (type or print):	Division Director Signature:	Date:												
Deputy (type or print):	Deputy Signature:	Date:												



# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM W-09**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### ☒ General Waiver

SUBJECT	<input checked="" type="checkbox"/> Action  <input checked="" type="checkbox"/> Consent
Request by <b>Tehama County Office of Education</b> to waive California <i>Education Code</i> Section 35573 to allow allocation of existing bonded indebtedness to be unaffected by lapsation of school districts.  Waiver Number: 19-6-2012	

#### RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

#### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California State Board of Education (SBE) approved a similar request from the Washington Unified School District (Fresno County) at the May 2011 SBE meeting. The SBE approved a waiver request by the Bend Elementary School District (ESD) in Tehama County, at the March 2012 SBE meeting, to allow that district to be lapsed into the Evergreen Union ESD.

#### SUMMARY OF KEY ISSUES

When school districts reorganize, California *Education Code (EC)* Section 35576 provides the processes to allocate the bonded indebtedness of the original districts after reorganization. Approval of this waiver request will allow an alternate process to allocate bonded indebtedness. The alternate method will retain existing levels of obligation for the bond debt rather than redistributing the debt obligations.

This waiver request by the Tehama County Office of Education (COE) addresses the allocation of the bonded indebtedness of the Evergreen Union ESD upon the July 1, 2012, lapsation of the Bend ESD into the Evergreen Union ESD. In 1991, voters in the Evergreen Union ESD approved a \$2 million General Obligation bond, while the Bend ESD had no prior outstanding bonded indebtedness.

The Tehama County Committee on School District Organization (County Committee) included a provision in the plans and recommendations of the Bend ESD lapsation order (pursuant to *EC* Section 35738) specifying that the property owners in the former Bend ESD would have no obligation to repay the General Obligation bond approved by Evergreen Union ESD voters. However, it is the Tehama County Counsel opinion that

this provision is not sufficient to prevent the property owners of the former Bend ESD from becoming liable for the preexisting bonded indebtedness of the Evergreen Union ESD. The Tehama County Counsel recommended that the Tehama COE request the SBE to waive *EC* Section 35573, which will allow “common law rules” for bonded indebtedness to apply. Those rules “leav[e]...the debt upon the original debtor,” thereby allowing property owners of each former district to retain responsibility only for those preexisting bonds voted upon by that district.

As stated previously, the Tehama County Committee lapsed Bend ESD, and annexed it into the Evergreen Union ESD, effective July 1, 2012. The waiver request, if approved by the SBE, will ensure that there are no changes in circumstances related to the preexisting bonded indebtedness of the Evergreen Union ESD now that the Bend ESD has become part of that district. The property owners from the former Evergreen Union ESD will retain existing levels of liability for the bonded indebtedness approved by the voters of that district; while the property owners from the former Bend ESD will not have their property taxes increased to pay for any of the outstanding bonded indebtedness of the former Evergreen Union ESD.

It is the opinion of California Department of Education (CDE) staff that none of the grounds specified in *EC* Section 33051 that authorize denial of a waiver exists. Moreover, the governing boards of both affected districts support the waiver request. The CDE recommends that the SBE approve the waiver—ensuring that no changes to existing bonded indebtedness circumstances occur as a result of the lapsation of the Bend ESD.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053>.**

**Authority for Waiver:** *EC* Section 33050

**Demographic Information:** The Evergreen Union ESD has a student population of 948 and is located in a rural area of Tehama County. The Bend ESD has a student population of 46 and is located in a rural area of Tehama County.

**Period of request:** July 1, 2012, to June 29, 2014 (requested)  
July 1, 2012, to June 29, 2014 (recommended)

**Local board approval date(s):** June 13, 2012

**Public hearing held on date(s):** June 13, 2012

**Bargaining unit(s) consulted on date(s):** California School Employees’ Association (CSEA) for the Tehama COE: May 17, 2012; California Teachers’ Association (CTA): for the Tehama COE: May 17, 2012; Evergreen Union ESD CSEA: May 8, 2012; Evergreen Federation of Teachers (EFT): May 8, 2012; Bend Teacher’s Association (BTA): May 15, 2012.

**Name of bargaining unit/representative(s) consulted:** Tehama COE CSEA: Joan Nevarez, CSEA Representative; Tehama COE CTA: Bryan Osak, President; Evergreen UESD CSEA: Debi Dennis, President; EFT: Roxane Akers and Megan Belcastro, Co-presidents; BTA: Janice Cerro, President; Albert Estrada, Vice-president/Secretary, and Delight Carter, Treasurer.

**Position of bargaining unit(s) (choose only one):**

☒ Neutral ☒ Support ☐ Oppose:

Comments (if appropriate):

Neutral: Tehama COE CSEA, Tehama COE CTA, Evergreen Union ESD CSEA, and EFT.

Support: BTA.

**Public hearing advertised by (choose one or more):**

☒ posting in a newspaper ☒ posting at each school ☐ other (specify):

**Advisory committee(s) consulted:** Evergreen Elementary (Evergreen Union ESD) and Bend Elementary (Bend ESD) school site councils (SSC).

**Objections raised (choose one):** ☒ None ☐ Objections are as follows:

**Date(s) consulted:** Evergreen Elementary SSC: May 14, 2012; Bend Elementary SSC: May 15, 2012.

**FISCAL ANALYSIS (AS APPROPRIATE)**

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Approval of this request will have no negative fiscal effects on any local or state agency.

**ATTACHMENT(S)**

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Attachment 1: Tehama County Office of Education (19-6-2012) General Waiver Request. (3 Pages) (Original waiver request is signed and on file in the CDE Waiver Office.)

19-6-2012

Attachment 1

Page 1 of 3

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09)

<http://www.cde.ca.gov/re/lr/wr/>First Time Waiver:   x  Renewal Waiver       

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

CD CODE						
5	2	1	0	5	2	0
Local educational agency: Tehama County Department of Education on behalf of the Tehama County Committee on School District Organization. Waiver request approved by Tehama County Board of Education			Contact name and Title: Larry Champion, Tehama County Superintendent of Schools		Contact person's e-mail address: lchampion@tehamaschools.org	
Address: (City) (State) (ZIP)  1135 Lincoln Street, Red Bluff, CA 96080			Phone (and extension, if necessary): 530-528-7323  Fax Number: 530-529-4120			
Period of request: (month/day/year)  From: 7/1/12 To: 6/29/14		Local board approval date: (Required)  June 13, 2012		Date of public hearing: (Required)  June 13, 2012		
<b>LEGAL CRITERIA</b>						
<p>1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the particular <i>Education Code</i> or <i>California Code of Regulations</i> section(s) to be waived (number): EC 35573 Circle One: <u>EC</u>            Topic of the waiver: Allowing an Alternative Method for Allocating Preexisting Bonded Indebtedness of School Districts After Lapsation</p>						
<p>2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval _____            Renewals of waivers must be submitted two months before the active waiver expires.</p>						
<p>3. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No ___x___ Yes If yes, please complete required information below:</p> <p>Bargaining unit(s) consulted on date(s): See Below</p> <p>Name of bargaining unit and representative(s) consulted:            Tehama County Department of Education:            California Teachers Association (CTA) -May 17, 2012 - Bryan Osak - Neutral            California School Employees Association (CSEA) - May 17, 2012 - Joan Nevarez - Neutral            Evergreen Union Elementary School District            Evergreen Federation of Teachers (EFT) - May 8, 2012 - Roxane Akers, Megan Belcastro - Neutral            California School Employees Association (CSEA) - May 8, 2012 - Debi Dennis - Neutral            Bend Elementary School District            Bend Teacher's Association: May 15, 2012 - Albert Estrada, Delight Carter and Janice Cerro - Support</p> <p>The position(s) of the bargaining unit(s): ___ Neutral ___ Support ___ Oppose</p> <p>Comments (if appropriate):</p>						

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

☒ Notice in a newspaper   ☒ Notice posted at each school   ☐ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: Evergreen Elementary School District Site Council and Bend Elementary School District Site Council.

6.

Date the committee/council reviewed the waiver request:

Evergreen Site Council - May 14, 2012 - neutral position      Bend Site Council - May 15, 2012 - supports

Were there any objection(s)? No ☒ Yes ☐ *(If there were objections please specify)*

7. *Education Code or California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

EC 35573

~~When any school district is in any manner merged with one or more school districts so as to form a single district by any procedure, the district so formed is liable for all of the outstanding bonded indebtedness of the districts united or merged.~~

8. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Pursuant to Education Code Section 35738, the plans and recommendations of the Tehama County Committee on School District Organization state that the property owners of the Evergreen School District are solely responsible for any bonded indebtedness voted on by Evergreen School District residents and incurred by the Evergreen School District prior to July 1, 2012. Additionally, residents of the Bend School District are solely responsible for any bonded indebtedness voted on by Bend School District residents and incurred by the Bend School District prior to July 1, 2012.

Residents of both Evergreen and Bend school districts will continue to be responsible for their proportionate share of the high school districts bonded indebtedness, if any.

Tehama County Counsel has expressed concern that without a specific waiver of the "bond leveling" provisions of Section 35573, all residents of the combined Evergreen and Bend School Districts will become liable for the preexisting bonded indebtedness of the Evergreen District. County Counsel has opined that upon waiver of Section 35573, the common law rules for bond allocation will apply. Those rules "leav[e]...the debt upon the original debtor," thereby allowing residents of each former district to retain responsibility only for those preexisting bonds voted upon by that district.

9. Demographic Information:

Evergreen Union Elementary School District has a student population of 948 and is located in a rural area in Tehama County. Bend Elementary School District has a student population of 46 and is located in a rural area in Tehama County.



<p><b>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</b> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/></p> <p>(If yes, please attach explanation or copy of audit finding)</p> <p><b>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</b> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/></p> <p>(If yes, please attach explanation or copy of CPM finding)</p>		
<p><b>District or County Certification</b> – <i>I hereby certify that the information provided on this application is correct and complete.</i></p>		
<p>Signature of Superintendent or Designee:</p>	<p>Title:</p> <p>Tehama County Superintendent of Schools</p>	<p>Date:</p>
<p><b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b></p>		
<p>Staff Name (<i>type or print</i>):</p>	<p>Staff Signature:</p>	<p>Date:</p>
<p>Unit Manager (<i>type or print</i>):</p>	<p>Unit Manager Signature:</p>	<p>Date:</p>
<p>Division Director (<i>type or print</i>):</p>	<p>Division Director Signature:</p>	<p>Date:</p>
<p>Deputy (<i>type or print</i>):</p>	<p>Deputy Signature:</p>	<p>Date:</p>



# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM W-10**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### ☒ Specific Waiver

##### SUBJECT

Request under California *Education Code* sections 60421(d) and 60200(g) by **Los Angeles County Office of Education** to purchase specified non-adopted instructional materials for severely disabled children using Instructional Materials Funding Realignment Program monies.

Waiver Number: 24-6-2012

☒ Action

☒ Consent

##### RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

The California Department of Education (CDE) recommends approval of the request by Los Angeles County Office of Education to purchase specified non-adopted instructional materials for severely disabled children using Instructional Materials Funding Realignment Program monies from July 1, 2012, through June 29, 2014.

##### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Numerous petition requests have been submitted to the State Board of Education (SBE) to use Instructional Materials Funding Realignment Program (IMFRP) funds for the purchase of special education materials from county offices of education. The SBE approved all previous petitions.

This petition by the Los Angeles County Office of Education (LACOE) to use IMFRP funds to purchase special education materials is a request for renewal of their similar petition approved by the SBE on July 15, 2010.

##### SUMMARY OF KEY ISSUES

California *Education Code* (EC) sections 60421(d) and 60200(g) specifically authorize the SBE to grant petitions for the purchase of non-adopted materials with IMFRP funds. Current EC sections 60242 and 60422 require instructional materials purchased to be adopted or standards-aligned.

The LACOE is petitioning to use IMFRP funds to purchase instructional materials that are not state-adopted but provide coverage of content standards in English-language arts, mathematics, and science, assessed through the California Alternate Performance Assessment (CAPA), for use in their special education programs. The district serves 2,741 students with significant disabilities who cannot access the state curriculum

through state or locally-adopted instructional materials programs. These students need specially designed, alternative instructional materials in order to access the curriculum. These students have specific goals and objectives developed in individualized education programs and use the CAPA to meet state testing requirements.

The LACOE has provided a complete list of materials that it intends to purchase, and it has provided a standards map that indicates where these materials provide coverage of those content standards in English-language arts, mathematics, and science that are assessed through the CAPA. This document is consistent with previous petitions related to special education students.

Although *EC* Section 42605(a) allows flexibility for districts in the expenditure of IMFRP funds for “any educational purpose,” *EC* Section 42605(e)(2)(A) states as follows:

“Any instructional materials purchased by a local education agency shall be the materials adopted by the state board for kindergarten and grades 1 to 8, inclusive, and for grades 9 to 12, inclusive, the materials purchased shall be aligned with state standards as defined by Section 60605, and shall also meet the reporting and sufficiency requirements contained in Section 60119.”

In addition, the provisions implementing the *Williams* lawsuit settlement, *EC* Section 60119, continue to require all students to have “standards-aligned instructional materials.” Because these materials for severely handicapped students are not state-adopted, the CDE requests approval of this petition in order that these materials may be used in place of the otherwise required materials.

**Demographic Information:** LACOE serves 2,741 students with significant disabilities and is located in Los Angeles County.

**Authority for Petition:** *EC* Section 60421(d) and 60200(g)

**Period of request:** July 1, 2012, through June 30, 2014

**Period recommended:** July 1, 2012, through June 30, 2014

**Local board approval date(s):** May 16, 2012

**Public hearing held on date(s):** May 16, 2012

**Public hearing advertised by (choose one or more):**

☒ posting in a newspaper    ☒ posting at each school    ☒ other (LACOE)

#### **FISCAL ANALYSIS (AS APPROPRIATE)**

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The LACOE is petitioning to use 20 percent of its budget from fiscal years 2012-13 and 2013-14. While funding levels for these fiscal years is not yet available, as a reference

the LACOE IMFRP apportionment for fiscal year 2011-12 was \$584,291. There is no statewide fiscal impact of petition approval.

**ATTACHMENT(S)**

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Attachment 1: Petition Request (8 pages) (Original waiver request is signed and on file in the Waiver Office.)

CALIFORNIA DEPARTMENT OF EDUCATION

**PETITION REQUEST – Instructional Materials Funds Realignment Program (IMFRP)**PR-1 (Rev. 10-2-2009) <http://www.cde.ca.gov/re/lr/wr/>

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send electronic copy in Word and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE				
		1	0	1	9	9
Local educational agency:  Los Angeles County Office of Education		Contact name and Title:  Tana Donaghy			Contact person's e-mail address: Donaghy_tana@laoe.edu	
Address: (City) (State) (ZIP)  9300 Imperial Highway Room 302 Downey Ca 90242		Phone (and extension, if necessary): 562-803-8209  Fax Number: 562 803 - 8272				
Period of request: (month/day/year) From: July 1, 2012 To: June 30, 2014		Local board approval date: (Required) April 24, 2012			Date of public hearing: (Required) April 24, 2012	
<b>LEGAL CRITERIA</b>						
<p>1. Under the authority of the petition process, <i>Education Code (EC)</i> sections 60421(d) and 60200(g), this local educational agency (LEA) requests the State Board of Education (SBE) to authorize the use of any instructional materials allowances for the purchase of other instructional materials as listed below. Waiver of <i>EC</i> 60242(a) and 60422(a).  <b>(See Attachment A)</b></p>						
<p>2. Give a brief description including title of publisher name, grade level and edition of the materials to be purchased, and total amount of instructional materials allowances to be spent in this manner (If this is insufficient space, add to attached narrative):  <b>(See Attachment B)</b></p>						
<p>3. Public hearing requirement. A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the petition request. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.</p> <p>How was the required public hearing advertised?</p> <p> <input checked="" type="checkbox"/> Notice in a newspaper?            <input checked="" type="checkbox"/> Notice posted at each school?            <input checked="" type="checkbox"/> Other: _____ (please list)          Los Angeles Daily Journal    See Attached List of Special    Posted at LACOE, Ed Center West          La Opinion Newspaper    Education School Sites       </p>						
<p>4. Certification by local board for petition to purchase other instructional materials with Realignment Program funds (IMFRP). In checking each of the boxes below, the local governing board acknowledges its certification or understanding of the following:</p> <p><b>(See Attachment C)</b></p> <p><input checked="" type="checkbox"/> Authorizes the submission of the petition to the SBE under <i>EC</i> 60421(d): "Notwithstanding any other provision of law, pursuant to subdivision (g) of Section 60200, the SBE may authorize a school district to use any state basic instructional materials allowance to purchase standards-aligned materials as specified within this part." (AB 1781, Statutes of 2002)</p> <p><input checked="" type="checkbox"/> Verifies that the local governing board has determined that the state-adopted materials do not promote the maximum efficiency of pupil learning in the district or school(s) as specified under <i>EC</i> 60200(g).</p> <p><input checked="" type="checkbox"/> Verifies that the requested materials have been evaluated for consistency with the content standards that have been adopted by the SBE, and that the materials are aligned to the standards in this subject.</p>						

**PETITION REQUEST - Instructional Materials Funds Realignment Program (IMFRP)**

PR-1 (Rev. 10-2-2009)

**Certification by local board for petition to purchase other instructional materials with Instructional Materials funds (continued):**

- ☒ If the instructional materials requested for purchase through this petition (or the instructional material proposed by the district to supplement a non adopted program) have not been previously reviewed by the CDE, for the purposes of adoption or the review of another LEA's petition request, the LEA must include with the petition request::
- A complete set of standards maps indicating alignment with the grade-by-grade standards for the material. Forms are available through the Waiver Office; many publishers should have these standards maps available.
  - CDE may request that a complete set of the actual instructional materials be mailed to the CDE for review against those standards maps. Call the Waiver Office at (916) 319-0824 for mailing instructions.
- ☒ Verifies that the proposed materials have passed state or local level legal compliance review, or are exempt from such as review. Check approved list at CDE's Curriculum Frameworks and Instructional Materials web page on the Instructional Materials Funding Realignment Program information. **(See Attachment D)**

***After considering the issues listed above, this local governing board has determined that the purchase of the proposed resources will promote the maximum efficiency of pupil learning in our agency, and has approved the submission of this petition to the SBE.***

Signed: \_\_\_\_\_, School Board President of the Los Angeles County Office of Education (LEA)

***Other required attachments to the petition request include: (See Attachment D)***

- A brief description, publisher name, grade levels, and price list of instructional materials to be purchased and total amount of instructional materials allowances to be spent in this manner (if not already included in Item 1, on the first page of the Petition Request);
- A narrative describing the reasons for the petition based on student needs; evidence of a well designed standards aligned curriculum plan, the local process for review of standards maps of this particular material, including a description of how weaknesses in these materials will be supplemented (if necessary);
- Provide evidence of exemplary academic achievement or growth, by district, school(s), and where appropriate, by subject matter, grade level, and significant subgroup (except for petitions for grade level extensions of adopted programs). The forms for this assessment data are available at <http://www.cde.ca.gov/re/lr/instrmatwaivers.asp>

**District or County Certification – I hereby certify that the information provided on this application is correct and complete.**

Signature of Superintendent or Designee:	Title:	Date:
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name (type or print):	Staff Signature:	Date:
Unit Manager (type or print):	Unit Manager Signature:	Date:
Division Director (type or print):	Division Director Signature:	Date:
Deputy (type or print):	Deputy Signature:	Date:

## **Attachment A Legal Criteria**

Section #1 – The Los Angeles County Office of Education (LACOE) is requesting 20% of the 2012-13 & 2013-14 IMFRP funds to be used for purchase of “other instructional materials (EC Section 60424) for Students with Severe Disabilities which makes up 85 percent of the Special Education student population.



## **Attachment B**

### **Standards Maps and Instructional Materials**

Attachment B consists of English/ Language Arts, Math and Science grades K-12 general education standards maps with the Alternate Achievement Standards, those assessed on the California Alternate Performance Assessment, embedded into the grade level content.

Also included are the lists of materials aligned to the Alternate Achievement Standards

## Attachment C

. 4. Certification by local board for petition to purchase other instructional materials with Realignment Program funds (IMFRP). In checking each of the boxes below, the local governing board acknowledges its certification or understanding of the following:

☒ Authorizes the submission of the petition to the SBE under *EC 60421(d): "Notwithstanding any other provision of law, pursuant to subdivision (g) of Section 60200, the SBE may authorize a school district to use any state basic instructional materials allowance to purchase standards-aligned materials as specified within this part."* (AB 1781, Statutes of 2002)

☒ Verifies that the local governing board has determined that the state-adopted materials do not promote the maximum efficiency of pupil learning in the district or school(s) as specified under *EC 60200(g)*.

☒ Verifies that the requested materials have been evaluated for consistency with the content standards that have been adopted by the SBE, and that the materials are aligned to the standards in this subject.

The Materials requested in this petition have been correlated to the California State Standards that are assessed on the California Alternate Performance Assessment (CAPA) evidenced in the Special Educators of County Offices (SEACO) Curriculum Guide and the Los Angeles County Office of Education Adapted Core Curriculum. Both of these Curriculum Guides are based on the state standard for students with moderate to severe/ profound disabilities. Both of these curriculum guides have passed state and local level legal compliance reviews and are adopted by the California Department of Education for students with moderate to severe/ profound disabilities.

☒ If the instructional materials requested for purchase through this petition (or the instructional material proposed by the district to supplement a non adopted program) have not been previously reviewed by the CDE, for the purposes of adoption or the review of another LEA's petition request, the LEA must include with the petition request::

- A complete set of standards maps indicating alignment with the grade-by-grade standards for the material. Forms are available through the Waiver Office; many publishers should have these standards maps available. (See Attachment B)
- CDE may request that a complete set of the actual instructional materials be mailed to the CDE for review against those standards maps. Call the Waiver Office at (916) 319-0824 for mailing instructions.

Other Supporting Evidence:

- A narrative describing the reasons for the petition based on students needs; evidence of a well designed standards aligned curriculum plan, the local process for review of standards maps of this particular materials, including a description of how weaknesses in these materials will be supplemented.

Over 85% of the students we serve have significant intellectual and developmental disabilities. These students are assessed on the CAPA to meet the state testing requirements and most are at level 1, functioning at or below 48 months. These

students do not benefit from traditional textbooks but rather have a need for more tactile/kinesthetic instructional strategies. In order to provide comprehensive standards based curriculum, we are requesting to purchase instructional materials appropriate for this population to learn the concepts assessed on the CAPA.

Our students are working on the California Alternate Achievement Standards through the use of the SEACO Curriculum Guide and the LACOE Adapted Core Curriculum. All of the materials requested for use with these two curriculum guides are to equip or students and provide access to core curriculum areas. These materials support the use of assistive technology and augmentative communication.

- Provide evidence of exemplary academic achievement or growth, by district, school (s), and where appropriate, by subject matter, grade level, and significant subgroup (except petitions for grade level extensions of adopted programs)

Once the student's needs are identified, they are correlated to state standards and development into an Individualized Education Plan (IEP). Progress towards standards based IEP goals and objectives are reviewed regularly through progress reports and report cards as well as annual IEP meetings. Other areas that are taken into consideration when developing instructional programs include: range of motion, mobility and physical challenges, learning styles, behavioral needs and ability levels. These goals and objectives can only be accomplished with specialized instructional materials.

## Attachment D

### Supporting Documentation

Throughout the current school year, as in the past, we have continued to place a priority on the purchase and use of adopted texts for all students able to benefit from these materials. All pupils who can use these materials currently have sufficient adopted texts in the four core areas as required by Education Code Section 60119.

Over half of the students we serve have significant disabilities. These students use the CAPA to meet state testing requirements and most are at level I, functioning at or below 24 months. These students do not benefit from traditional textbooks but rather have a need for more tactile/ kinesthetic instructional strategies. In order to provide comprehensive standards based curriculum, we are requesting the balance of our funds be utilized to purchase materials appropriate for this population.

Our teachers incorporate a variety of components to meet the educational needs of our students with severe disabilities. Each student is assessed in five major areas: domestic, leisure/recreational, community, vocational and school. These assessments enable the identification of functional objectives. Instruction includes: expression of choice; communication; functional skill development; and age-appropriate social skills training. Once the student needs are identified, they are correlated to state standards and developed into Individualized Educational Plans (IEP's). Other areas that are taken into consideration when developing instructional programs include: range of motion, mobility and physical challenges, learning styles, behavioral needs, and ability levels. These goals and objectives can only be accomplished with specialized instructional materials.

### Current Data

Through the Division of Special Education (DSE), the Los Angeles County Office of Education (LACOE) acts as an intermediate agency and partner with the county's public school and community college districts to serve students with disabilities. DSE provides a full range of services through agreements with five of the county's 15 Special Education Local Plan Areas (SELPA). These are groups of school districts that work together to serve special education students. DSE provides services within five SELPAs, which include 46 of the county's 80 school districts.

DSE helps to meet the special needs of 2,741 students with significant disabilities, from birth through age 22. They include students in special day classes and students enrolled in regular education class who receive designated instruction and services.

DSE runs 346 classes on 148 public school campuses to serve students with special needs such as:

- deaf and hard-of-hearing

- developmental and physical disabilities
- severe emotional disturbance
- autism spectrum disorders
- visual impairments

### **Purchase Of Instructional Materials**

Our students are working on California State Standards through the use of the SEACO Curriculum Guide and the LACOE Adapted Core Curriculum. All of the materials requested for use with these two curriculum guides are to equip our students and provide access to core curriculum areas. The materials support the use of assistive technology and augmentative communication.

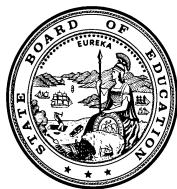
The Los Angeles County Office of Education is requesting authorization to spend 20% of the total Special Education Textbook budget on the items on the attached list. This list was compiled by the Severely Disabled Committee made up of teachers and administrators. It is intended to provide our teachers with the best possible resources to assist our students.



# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM W-11**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### ☒ Specific Waiver

<b>SUBJECT</b>  Request by <b>Golden Plains Unified School District</b> under the authority of California <i>Education Code</i> Section 46206 to waive <i>Education Code</i> Section 46201(d) the audit penalty for offering less instructional time in the 2010–11 fiscal year for students in grades nine through twelve (shortfall of 775 minutes per grade).  Waiver Number: 32-4-2012	<input checked="" type="checkbox"/> <b>Action</b>  <input checked="" type="checkbox"/> <b>Consent</b>
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#### RECOMMENDATION

☐ Approval   ☒ Approval with conditions   ☐ Denial

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the request to waive the instructional time penalty on the following conditions:

Golden Plains Unified School District maintains instructional minutes at Tranquility High School at a minimum of the amount required by law plus 775 minutes in grades nine through twelve for both school years 2011–12 and 2012–13.

#### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved similar requests with conditions. California *Education Code* (EC) Section 46206 authorizes waivers to be granted for fiscal penalties due to a shortfall in instructional time. A waiver may be granted upon the condition that the school or schools, in which the minutes were lost, maintain minutes of instruction equal to those lost, in addition to the minimum amount required for twice the number of years that it failed to maintain the required minimum length of time.

#### SUMMARY OF KEY ISSUES

During an audit of instructional minutes for 2010–11 it was discovered that Golden Plains Unified School District failed to offer the required number of minutes for all of grades nine through twelve at Tranquility High School. The shortage occurred because Golden Plains Unified School District did not calculate its 2010–11 instructional minutes until midway through the year and did not adjust the calendar or bell schedules to meet the minimum requirement when it determined it fell short.

Golden Plains Unified School District is using school years 2011–12 and 2012–13 to

make up the shortfall of instructional minutes at Tranquility High School. Due to the flexibility offered by *EC* Section 46201.2 the minimum number of required annual instructional minutes for most high schools, including Tranquility High School, are 60,480 in grades nine through twelve in 2011–12 and 63,000 in 2012–13 through 2014–15.

This waiver request was approved at the Golden Plains Unified School District board meeting on April 19, 2012.

The Department recommends approval of this waiver as long as the Golden Plains Unified School District maintains increased instructional minutes for grades nine through twelve of at least the amount required by law plus 775 minutes at Tranquility High School for a period of two years beginning in 2011–12 through 2012–13. The district must also report the annual instructional minutes offered in grades nine through twelve at Tranquility High School in its annual audit report.

**Demographic Information:** Tranquility High School in the Golden Plains Unified School District has a student population of 469 pupils and is located in a census designated place in Fresno County.

**Authority for Waiver:** *EC* Section 46206

**Period of request:** July 1, 2010 through June 30, 2011

**Period Recommended:** July 1, 2010 through June 30, 2011

**Local board approval date(s):** April 19, 2012

**Bargaining unit(s) consulted on date(s):** March 8, 2012

**Name of bargaining unit/representative(s) consulted:** Henry Ortiz, California Teacher Association (CTA) Golden Plains USD President and Gary Braden, California School Employees Association (CSEA) Golden Plains USE President

**Position of bargaining unit(s) (choose only one):**

☐ Neutral ☒ Support ☐ Oppose

Comments (if appropriate):

**Advisory committee(s) consulted:**

**Objections raised (choose one):** ☐ None ☐ Objections are as follows:

**Date(s) consulted:**



### **FISCAL ANALYSIS (AS APPROPRIATE)**

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2010–11 penalty amount of \$31,849.99 is calculated as follows:

434.83 Average Daily Attendance (ADA) for affected students in grades nine through twelve multiplied by \$7,293.82 (base revenue limit) is equal to \$3,171,571.75.

\$3,171,571.75 multiplied by the Deficit Factor of .81645 is equal to \$2,589,429.76

A 775 shortfall of instructional minutes divided by the 63,000 minute requirement is equal to 1.23 percent of minutes not offered.

\$2,589,429.76 multiplied by 1.23 percent is equal to a \$31,849.99 penalty if this waiver is not approved.

### **ATTACHMENT(S)**

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Attachment 1: Waiver Number, District, and Information Regarding the Waiver (1 page)

Attachment 2: Specific Waiver Request (3 pages) (Original waiver request is signed and on file in the Waiver Office).

Waiver Number, District, and Information Regarding the Waiver

Waiver Number	District	Period of Request	District's Request	CDE Recommended	Bargaining Unit Representatives Consulted, Date, and Position	Local Board and Public Hearing Approval Date	Potential Annual Penalty Without Waiver
32-4-2012	Golden Plains Unified	Requested: July 1, 2010 to June 30, 2011  Recommended: July 1, 2010 to June 30, 2011	District requests waiving <i>Education Code</i> Section 46201(d) to avoid the audit penalty in exchange for offering increased instructional minutes in 2011-12 and 2012-13, consistent with <i>Education Code</i> Section 46206	<b>Approval</b> of waiver, consistent with <i>Education Code</i> Section 46206 with the following conditions:  Golden Plains Unified School District maintains instructional minutes in 9-12 of at least the amount required by law plus 775 minutes for 2011-12 through 2012-13.	Henry Ortiz, President of the Golden Plains Teacher's Association and Gary Braden, President of the California School Employees Association  Both consulted on March 8, 2012 Both bargaining Representatives held a <b>support</b> position regarding the waiver.	April 19, 2012	\$31,849.99

CALIFORNIA DEPARTMENT OF EDUCATION

**SPECIFIC WAIVER REQUEST**ITAP-1 (Rev. 10-2-2009) <http://www.cde.ca.gov/re/lr/wr/>**(District/COE)****Instructional Time Requirements****Waiver of Audit Penalties**

Send Original plus one copy to:  
 electronic copy in **Word** and  
 Waiver Office, California Department of Education  
[waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send

back-up material to:

		CD CODE														
		1	0	7	5	2	3	4								
Local educational agency:  Golden Plains Unified School District		Contact name and Title: Gina Murphy-Garrett Assistant Superintendent Business Services/Chief Business Officer					Contact person's e-mail address: <a href="mailto:gmurphy-garrett@gusd.org">gmurphy-garrett@gusd.org</a>									
Address: (ZIP) P.O. Box 937		(City) San Joaquin		(State) CA		93660										
		Phone (and extension, if necessary): (559) 693-1115 x3130  Fax number: (559) 693-2515														
Period of request: (month/day/year)  From: 07/01/2010 To: 06/30/2011		Local board approval date  April 19, 2012														
<b>LEGAL CRITERIA</b>																
<p>1. Authority for the waiver: <b>Specific code section:</b></p> <p><i>EC 46206(a)</i> The State Board of Education may waive the fiscal penalties set forth... for a school district or county office of education that fails to maintain the prescribed minimum length of time for the instructional school year, minimum number of instructional days for the school year, or both.</p> <p>(b) For fiscal penalties incurred ...a waiver may only be granted ... upon the condition that the school or schools in which the minutes, days, or both, were lost, maintain minutes and days of instruction equal to those lost and in addition to the amount otherwise prescribed in this article for twice the number of years that it failed to maintain the minimum number of instructional days and continuing for each succeeding school year until the condition is satisfied.</p>																
<p>2. <i>Education Code</i> or <i>California Code of Regulations</i> or portion to be waived ( check as appropriate)</p> <table border="0"> <tr> <td><b>For Districts:</b></td> <td><b>For County Offices of Education:</b></td> </tr> <tr> <td>___ <i>EC 46200(c)</i> Penalty - required number of days</td> <td>___ <i>EC 46200.5(c)</i> Penalty - required number of days</td> </tr> <tr> <td>X_ <i>EC 46201(d)</i> Penalty - required number of minutes</td> <td>___ <i>EC 46201.5(c)</i> Penalty - required number of minutes</td> </tr> <tr> <td>___ <i>EC 46202(b)</i> Penalty – less than 1982-83 minutes</td> <td>___ <i>EC 46202.(b)</i> Penalty – less than 1982-83 minutes</td> </tr> </table>									<b>For Districts:</b>	<b>For County Offices of Education:</b>	___ <i>EC 46200(c)</i> Penalty - required number of days	___ <i>EC 46200.5(c)</i> Penalty - required number of days	X_ <i>EC 46201(d)</i> Penalty - required number of minutes	___ <i>EC 46201.5(c)</i> Penalty - required number of minutes	___ <i>EC 46202(b)</i> Penalty – less than 1982-83 minutes	___ <i>EC 46202.(b)</i> Penalty – less than 1982-83 minutes
<b>For Districts:</b>	<b>For County Offices of Education:</b>															
___ <i>EC 46200(c)</i> Penalty - required number of days	___ <i>EC 46200.5(c)</i> Penalty - required number of days															
X_ <i>EC 46201(d)</i> Penalty - required number of minutes	___ <i>EC 46201.5(c)</i> Penalty - required number of minutes															
___ <i>EC 46202(b)</i> Penalty – less than 1982-83 minutes	___ <i>EC 46202.(b)</i> Penalty – less than 1982-83 minutes															

3. Collective bargaining unit information.

Does the district have any employee bargaining units? \_\_\_ No ☒ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s):

Name of bargaining units and representative(s) consulted:

The position(s) of the bargaining unit(s): \_\_\_ Neutral ☒ Support \_\_\_ Oppose (*Please specify why*)

Comments (if appropriate):

**(District/COE)**

4. Reason for Waiver Request:

- Describe the **circumstances that brought about the shortage** of time (days and/or minutes) for each finding.
- Tell what you did the following year, or preferably that same year to try to **minimize or correct** the error.
- State how you plan to do the makeup (add to the regular day, cancel minimum days, add a day to the year, etc.) and in what years – for **both affected students and affected grade levels**.

- The bell schedule was changed and the shortage of instructional time.
- In order to correct the shortage of instructional time the district changed the bell schedule by adding back the minutes that were originally taken out.
- The district changed the bell schedule in 2011/2012 to make up the required shortage and maintain the minimum required minutes. The district is using the same schedule from 2011/2012 for the 2012/2013 fiscal year to maintain the required minutes.

5. Required Attachments:

- Copy of the audit finding and local educational agency response.
- At least two years worth of proposed bell schedule(s) and school calendar(s) for the required make-up of time, showing all full and partial instructional days, student free days, etc.
- Summary of instructional minute totals, daily and annually, including the state minimum by grade(s) and the 1982-83 requirements for the district/school for the two years of waiver make-up.

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:  Gina Murphy-Garrett	Title: Assistant Superintendent Business Services/ CBO	Date: 04/19/2012
Signature of SELPA Director (Only if a Special Education Waiver under EC 56101)		Date:
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:

Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:
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# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM W-12**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### ☒ Specific Waiver

##### SUBJECT

Request by sixteen districts, under the authority of California *Education Code* Section 41382, to waive portions of *Education Code* sections 41376 (a), (c), and (d) and/or 41378 (a) through (e), relating to class size penalties for kindergarten through grade three. For kindergarten, the overall class size average is 31 to one with no class larger than 33. For grades one through three, the overall class size average is 30 to one with no class larger than 32.

##### Waiver Numbers:

Acton-Agua Dulce Unified School District 11-6-2012  
Alvord Unified School District 22-6-2012  
Chawanakee Unified School District 34-6-2012  
Desert Sands Unified School District 17-5-2012  
Desert Sands Unified School District 18-5-2012  
Desert Sands Unified School District 33-6-2012  
Folsom-Cordova Unified School District 47-6-2012  
Garden Grove Unified School District 9-6-2012  
Hayward Unified School District 25-6-2012  
Hesperia Unified School District 29-6-2012  
Huntington Beach City Elementary School District 1-6-2012  
Maple Elementary School District 30-5-2012  
Nevada City School District 15-6-2012  
Ojai Unified School District 27-6-2012  
Palo Verde Unified School District 32-5-2012  
Pioneer Union Elementary School District 13-6-2012  
Stanislaus Union Elementary School District 4-6-2012  
Tracy Joint Unified School District 2-6-2012

☒ Action

☒ Consent

##### RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education (CDE), based on the finding below, recommends that the class size penalties for kindergarten through grade three be waived provided that the overall average and individual class size average is not greater than the CDE recommended class size on Attachment 1. The waivers do not exceed two years less one day.

**Finding:** Given the extremely challenging fiscal environment for California schools and the specific financial circumstances described by each district in its waiver application, the State Board of Education (SBE) finds that the districts' continued ability to maintain the delivery of instruction and required program offerings in all core subjects, including reading and mathematics, will be seriously compromised by the financial penalties the districts would otherwise incur without approval of the requested waiver. In these circumstances, the SBE finds specifically that the class size penalty provisions of *Education Code (EC)* sections 41376 and/or 41378 will, if not waived, prevent the districts from developing more effective educational programs to improve instruction in reading and mathematics in the classes specified in the districts' applications.

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#### **SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

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Since September 2009, the SBE has approved all kindergarten through grade three class size penalty waiver requests as proposed by CDE. Before the September 2009 board meeting, no waivers had been submitted since 1999.

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#### **SUMMARY OF KEY ISSUES**

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*Education Code* Section 41382 allows the SBE to approve an exemption to the class size penalties assessed for kindergarten through grade three if the associated statutory class size requirements prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics. Under this authority, these districts are requesting a waiver of subdivisions (a) through (e) of *EC* Section 41378, which provide for a penalty if the average class size on a district-wide basis for kindergarten exceeds 31 students or individual class levels exceed 33, and/or subdivisions (a), (c), and (d) of *EC* Section 41376, which provide for a penalty if the average class size on a district-wide basis for grades one through three exceeds 30 students, or individual class levels exceed 32. Since this particular statute regarding class size limits was written in 1964, given the current fiscal environment in school districts statewide, consideration of this and similar waivers is warranted.

The districts listed on Attachment 1 request flexibility to temporarily increase class sizes in kindergarten through grade three or grades one through three to reduce expenditures in light of the statewide budget crisis and the associated reductions in revenue limit funds provided by the state. Since fiscal year 2008–09, most districts have experienced at least a 10 percent reduction in revenue limit funding in addition to the elimination of statutory cost of living adjustments. Furthermore, payments for over one-quarter of what they are due have been deferred until the next fiscal year.

A positive certification is assigned to a school district that will meet its financial obligations in the current and two subsequent fiscal years. A qualified certification is assigned when a district may not meet its financial obligations for the current or two subsequent fiscal years. A negative certification is assigned when a district will be unable to meet its financial obligations for the remainder of the current year or for the subsequent fiscal year. Each district's most recent status is identified on Attachment 1.



To address funding reductions, districts are using various options in addition to increasing class size, including categorical program spending flexibility, reducing the number of days in the school year, employee furloughs, salary reductions, layoffs, or school closures. Each district states that without the waiver, the core reading and math programs will be compromised by the fiscal penalties incurred. The estimated annual penalty should the district increase the class size average without a waiver is provided on Attachment 1.

The Department recommends, based on the finding above, that the class size penalties for kindergarten through grade three be waived provided the overall average and the individual class size average is not greater than the CDE recommended level shown on Attachment 1. Should any district exceed this new limit, the class size penalty would be applied per statute.

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### **FISCAL ANALYSIS (AS APPROPRIATE)**

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See Attachment 1 for estimated penalty amounts for each district without the waiver approval.

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### **ATTACHMENT(S)**

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- Attachment 1: List of Waiver Numbers, Districts, and Information Regarding Each Waiver. (5 pages)
- Attachment 2: Acton-Agua Dulce Unified School District Specific Waiver Request 11-6-2012 (5 pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 3: Alvord Unified School District Specific Waiver Request 22-6-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 4: Chawanakee Unified School District Specific Waiver Request 34-6-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 5: Desert Sands Unified School District Specific Waiver Request 17-5-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 6: Desert Sands Unified School District Specific Waiver Request 18-5-2012 (5 pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 7: Desert Sands Unified School District Specific Waiver Request 33-6-2012 (6 pages) (Original waiver request is signed and on file in the Waiver Office.)

- Attachment 8: Folsom-Cordova Unified School District Specific Waiver Request 47-6-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 9: Garden Grove Unified School District Specific Waiver Request 9-6-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 10: Hayward Unified School District Specific Waiver Request 25-6-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 11: Hesperia Unified School District Specific Waiver Request 29-6-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 12: Huntington Beach City Elementary School District Specific Waiver Request 1-6-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 13: Maple Elementary School District Specific Waiver Request 30-5-2012 (5 pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 14: Nevada City School District Specific Waiver Request 15-6-2012 (6 pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 15: Ojai Unified School District Specific Waiver Request 27-6-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 16: Palo Verde Unified School District Specific Waiver Request 32-5-2012 (3 pages) (Original waiver request is signed and on file in Waiver Office.)
- Attachment 17: Pioneer Union Elementary School District Specific Waiver Request 13-6-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 18: Stanislaus Union Elementary School District Specific Waiver Request 4-6-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 19: Tracy Joint Unified School District Specific Waiver Request 2-6-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

## Districts Requesting Kindergarten through Grade 3 Class Size Penalty Waivers

*Education Code sections 41376 and 41378: For Kindergarten:*

*Overall average 31; No class larger than 33. For Grades 1-3:*

*Overall average 30; no class larger than 32.*

Waiver Number	District	Period of Request	District's Request	CDE Recommended (New Maximum)	Bargaining Unit, Representatives Consulted, Date, and Position	Local Board and Public Hearing Approval Date	Advisory Committee(s) Consulted, Date/Position	Potential Annual Penalty Without Waiver	Fiscal Status	Previous Waivers
11-6-2012	Acton-Agua Dulce Unified District	<b>Requested:</b> July 1, 2011 to June 30, 2012  <b>Recommended:</b> July 1, 2011 to June 29, 2012	For 1-3: Overall average 30; no class size larger than 33	For 1-3: Overall average 30; no class size larger than 33	Acton-Agua Dulce Teachers Association, N. Chun, President 5/10/12 <b>Neutral</b>	May 10, 2012	Meadowlark Elementary School Site Council 5/10/12 <b>No Objections</b>	\$32,997 FY 2011-12	Positive	No
22-6-2012	Alvord Unified School District	<b>Requested:</b> July 1, 2011 to June 29, 2013  <b>Recommended:</b> July 1, 2011 to June 29, 2013	For K: Overall average 34; no class size larger than 35 For 1-3: Overall average 34; no class size larger than 36	For K: Overall average 34; no class size larger than 35 For 1-3: Overall average 34; no class size larger than 36	Alvord Educators Association, Leigh Hawkinson, President 5/25/12 <b>Neutral</b> California School Employees Association, Carmen Boykin, President 5/31/12 <b>Support</b>	June 14, 2012	District Advisory Committee 6/4/12 <b>No Objections</b>	\$683,125 each year	Qualified	No
34-6-2012	Chawanakee Unified School District	<b>Requested:</b> July 1, 2012 to June 30, 2014  <b>Recommended:</b> July 1, 2012 to June 29, 2014	For K-3: Overall average 34; no class size larger than 35	For K-3: Overall average 34; no class size larger than 35	Chawanakee Teachers Association, Jessica Fairbanks, President 6/5/12 <b>Neutral</b>	June 26, 2012	District Budget Committee 2/23/12 <b>No Objections</b>	\$155,846 each year	Positive	No
17-5-2012	Desert Sands Unified School District	<b>Requested:</b> July 1, 2012 to June 29, 2014  <b>Recommended:</b> July 1, 2012 to June 29, 2014	For K: Overall average 34; no class size larger than 36	For K: Overall average 34; no class size larger than 36	Desert Sands Teachers Association, Mona Davidson, President 6/15/12 <b>Support</b>	June 19, 2012	Desert Sands Finance Committee 6/15/12 <b>No Objections</b>	\$350,025 each year	Qualified	No

## Districts Requesting Kindergarten through Grade 3 Class Size Penalty Waivers

*Education Code sections 41376 and 41378: For Kindergarten:*

Overall average 31; No class larger than 33. For Grades 1-3:

Overall average 30; no class larger than 32.

Waiver Number	District	Period of Request	District's Request	CDE Recommended (New Maximum)	Bargaining Unit, Representatives Consulted, Date, and Position	Local Board and Public Hearing Approval Date	Advisory Committee(s) Consulted, Date/Position	Potential Annual Penalty Without Waiver	Fiscal Status	Previous Waivers
18-5-2012	Desert Sands Unified School District	<b>Requested:</b> July 1, 2012 to June 29, 2014  <b>Recommended:</b> July 1, 2012 to June 29, 2014	For 1-3: Overall average 34; no class size larger than 36	For 1-3: Overall average 34; no class size larger than 36	Desert Sands Teachers Association, Mona Davidson, President 6/15/12 <b>Support</b>	June 19, 2012	Desert Sands Finance Committee 6/15/12 <b>No Objections</b>	\$2,300,000 each year	Qualified	Yes 7/1/10 to 6/29/12
33-6-2012	Desert Sands Unified School District	<b>Requested:</b> July 1, 2011 to June 29, 2012  <b>Recommended:</b> July 1, 2011 to June 29, 2012	For 1-3: Overall average 30; no class size larger than 34	For 1-3: Overall average 30; no class size larger than 34	Desert Sands Teachers Association, Mona Davidson, President 6/15/12 <b>Support</b>	June 19, 2012	Desert Sands Finance Committee 6/14/12 <b>No Objections</b>	\$572,173 FY 2011-12	Qualified	Yes 7/1/10 to 6/29/12
47-6-2012	Folsom-Cordova Unified School District	<b>Requested:</b> July 1, 2011 to June 30, 2012  <b>Recommended:</b> July 1, 2011 to June 29, 2012	For 1-3: Overall average 30; no class size larger than 33	For 1-3: Overall average 30; no class size larger than 33	Folsom-Cordova Education Association, Michael Itkoff, President 5/30/12 <b>Support</b>	June 7, 2012	Superintendent's Cabinet 5/29/12 <b>No Objections</b>	\$493,451 FY 2011-12	Qualified	No
9-6-2012	Garden Grove Unified School District	<b>Requested:</b> September 8, 2011 to June 21, 2013  <b>Recommended:</b> July 1, 2011 to June 29, 2013	For 1-3: Overall average 30; no class size larger than 33	For 1-3: Overall average 30; no class size larger than 33	Garden Grove Education Association, Chris Francis, President, California School Employee Association, Jan Alls, President, 5/14/12, 5/16/12, & 5/21/12 <b>Support</b>	June 5, 2012	Advisory Committees, 4/12/12 & 5/11/12; District PTA Council 5/21/12 <b>No Objections</b>	\$182,304 each year	Qualified	No

## Districts Requesting Kindergarten through Grade 3 Class Size Penalty Waivers

*Education Code sections 41376 and 41378: For Kindergarten:*

*Overall average 31; No class larger than 33. For Grades 1-3:*

*Overall average 30; no class larger than 32.*

Waiver Number	District	Period of Request	District's Request	CDE Recommended (New Maximum)	Bargaining Unit, Representatives Consulted, Date, and Position	Local Board and Public Hearing Approval Date	Advisory Committee(s) Consulted, Date/Position	Potential Annual Penalty Without Waiver	Fiscal Status	Previous Waivers
25-6-2012	Hayward Unified School District	<b>Requested:</b> July 1, 2011 to June 29, 2012  <b>Recommended:</b> July 1, 2011 to June 29, 2012	For K-3: Overall average 30; no class size larger than 33	For 1-3: Overall average 30; no class size larger than 33	Hayward Education Association, Mercedes Faraj, President, 5/10/12, 5/17/12, 6/15/12, & 6/21/12 <b>Neutral</b>	June 20, 2012	Fiscal Integrity Transparency Action Group and School Site Councils Various dates <b>No Objections</b>	\$1,179,470 FY 2011-12	Positive	No
29-6-2012	Hesperia Unified School District	<b>Requested:</b> July 1, 2012 to June 30, 2014  <b>Recommended:</b> July 1, 2012 to June 29, 2014	For K-3: Overall average 32; no class size larger than 34	For 1-3: Overall average 32; no class size larger than 34	Classified Schools Employees Association, Mary Paolini, President, <b>Neutral</b> Hesperia Teachers Association, Tom Kerman, President 5/17/12 <b>Support</b>	June 18, 2012	District Advisory Committee 6/6/12 <b>Neutral</b>	\$837,358 each year	Positive	Yes 7/1/10 to 6/29/12
1-6-2012	Huntington Beach City Elementary School District	<b>Requested:</b> July 1, 2012 to June 30, 2014  <b>Recommended:</b> July 1, 2012 to June 29, 2014	For 1-3: Overall average 32; no class size larger than 32	For 1-3: Overall average 32; no class size larger than 32	Huntington Beach Elementary Teachers Association, Trinon Carter, President, California School Employees Association, Mark Francoving, President 5/7/12 <b>Neutral</b>	May 15, 2012	Elementary School Site Councils 5/9/12, 5/11/12, 5/14/12 <b>No Objections</b>	\$250,000 each year	Positive	Yes 7/1/10 to 6/29/12
30-5-2012	Maple Elementary School District	<b>Requested:</b> July 1, 2011 to June 30, 2012  <b>Recommended:</b> July 1, 2011 to June 29, 2012	For 1-3: Overall average 30; no class size larger than 34	For 1-3: Overall average 30; no class size larger than 34	Maple Elementary School Teachers Association, Diane Masi, President & Sunni Dobbs, Vice-President 4/27/12 <b>Support</b>	May 10, 2012	Maple School Site Council 4/18/12 <b>No Objections</b>	\$19,025 FY 2011-12	Qualified	No

## Districts Requesting Kindergarten through Grade 3 Class Size Penalty Waivers

*Education Code sections 41376 and 41378: For Kindergarten:*

*Overall average 31; No class larger than 33. For Grades 1-3:*

*Overall average 30; no class larger than 32.*

Waiver Number	District	Period of Request	District's Request	CDE Recommended (New Maximum)	Bargaining Unit, Representatives Consulted, Date, and Position	Local Board and Public Hearing Approval Date	Advisory Committee(s) Consulted, Date/Position	Potential Annual Penalty Without Waiver	Fiscal Status	Previous Waivers
15-6-2012	Nevada City Elementary School District	Requested: July 1, 2012 to June 29, 2014  Recommended: July 1, 2012 to June 29, 2014	For K-3: Overall average 33; no class size larger than 35	For K-3: Overall average 33; no class size larger than 35	Nevada City Faculty Association, Joy Haggart, President, 5/11/12, California School Employees Association, James Lowe, President 5/23/12 <b>Neutral</b>	June 5, 2012	Deer Creek School Site Council 5/14/12 <b>Objections</b>	\$323,414 each year	Negative	No
27-6-2012	Ojai Unified School District	Requested: July 1, 2012 to June 29, 2014  Recommended: July 1, 2012 to June 29, 2014	For K-3: Overall average 33; no class size larger than 35	For K-3: Overall average 33; no class size larger than 35	Ojai Federation of Teachers, Martha Ditchfield, President 6/1/12 <b>Support</b>	June 26, 2012	School Site Councils 6/6/12 - 6/12/12 <b>No Objections</b>	\$105,602 each year	Positive	No
32-5-2012	Palo Verde Unified School District	Requested: July 1, 2011 to June 30, 2012  Recommended: July 1, 2011 to June 29, 2012	For 1-3: Overall average 30; no class size larger than 35	For 1-3: Overall average 30; no class size larger than 35	Palo Verde Teachers Association, Mary Roberson, President 5/9/12 <b>Neutral</b>	May 15, 2012	Margaret White Elementary School Site Council 5/22/12 <b>No Objections</b>	\$78,262 FY 2011-12	Qualified	No
13-6-2012	Pioneer Union Elementary School District	Requested: July 1, 2012 to June 30, 2013  Recommended: July 1, 2012 to June 29, 2013	For K-3: Overall average 38; no class size larger than 38	For K-3: Overall average 38; no class size larger than 38	Pioneer Faculty Association, Tim Haboush, Certificated Representative 6/4/12 <b>Support</b>	June 28, 2012	School Site Councils 1/12/12 <b>No Objections</b>	\$38,751 FY 2012-13	Positive	No

## Districts Requesting Kindergarten through Grade 3 Class Size Penalty Waivers

*Education Code* sections 41376 and 41378: For Kindergarten:

Overall average 31; No class larger than 33. For Grades 1-3:

Overall average 30; no class larger than 32.

Waiver Number	District	Period of Request	District's Request	CDE Recommended (New Maximum)	Bargaining Unit, Representatives Consulted, Date, and Position	Local Board and Public Hearing Approval Date	Advisory Committee(s) Consulted, Date/Position	Potential Annual Penalty Without Waiver	Fiscal Status	Previous Waivers
4-6-2012	Stanislaus Union Elementary School District	<b>Requested:</b> July 1, 2011 to July 1, 2012  <b>Recommended:</b> July 1, 2011 to June 29, 2012	For 1-3: Overall average 31; no class size larger than 33	For 1-3: Overall average 31; no class size larger than 33	Stanislaus Union Teachers Association, Sheila Marable, President, 5/11/12; California School Employees Association, Cathy Hudson, President 5/11/12 <b>Support</b>	May 17, 2012	Budget Advisory Committee 5/18/12 <b>No Objections</b>	\$131,326 FY 2011-12	Qualified	No
2-6-2012	Tracy Joint Unified School District	<b>Requested:</b> July 1, 2011 to June 29, 2012  <b>Recommended:</b> July 1, 2011 to June 29, 2012	For 1-3: Overall average 30; no class size larger than 34	For 1-3: Overall average 30; no class size larger than 34	Tracy Educator's Association, John Anderson, President 5/9/12 <b>Support</b>	May 22, 2012	The Fiscal Response Team 5/11/12 <b>No Objections</b>	\$377,451 FY 2011-12	Positive	No

11-6-2012

Attachment 2

Page 1 of 5

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**SW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>First Time Waiver: ☒ XRenewal Waiver: ☐

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		1	9	7	5	3	0	9
Local educational agency:  Acton-Agua Dulce Unified School District		Contact name and Title: Paulette Buechner Director of Business Services				Contact person's e-mail address: pbuechner@aadusd.k12.ca.us		
Address: (City) (State) (ZIP)  32248 Crown Valley Rd., Acton CA 93510		Phone (and extension, if necessary):  661-269-5999 x 104 Fax number: 661-269-0849						
Period of request: (month/day/year)  From: July 1, 2011 To: June 30, 2012				Local board approval date: (Required)  May 10, 2012				
<b>LEGAL CRITERIA</b>								
<p>1. Authority for the waiver: Ed Code Specific code section: 41382          Write the <i>EC</i> Section citation, which allows you to request, or authorizes the waiver of the specific <i>EC</i> Section you want to waive. The principal of any elementary school maintaining kindergarten classes or regular day classes in grades 1 to 3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376, 41378, or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendation, or the adoption of such resolution, the governing board shall make application to the State Board of Education on behalf of the school for an exemption for such classes from the specified provisions. The State Board of education shall grant the application if it finds that the specified provisions of Section 41376, 41378, or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application,</p>								
<p>2. <i>Education Code</i> or <i>California Code of Regulations</i> or portion to be waived.          Section to be waived: (number) 41376 Circle One: <i>EC</i> or <i>CCR</i>           Brief Description of the topic of the waiver: Waiver of Grades 1 – 3 Class Size Cap Penalties</p>								
<p>3. If this is a renewal of a previously approved waiver, please list Waiver No: _____ and date of SBE approval _____          Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.</p>								
<p>4. Collective bargaining unit information. (Not necessary for <i>EC</i> 56101 waivers)</p> <p>Does the district have any employee bargaining units? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes, please complete required information below:</p> <p>Bargaining unit(s) consulted on date(s): May 10, 2012</p> <p>Name of bargaining units and representative(s) consulted: Acton-Agua Dulce Teachers Association, President, N. Chun</p> <p>The position(s) of the bargaining unit(s): <input checked="" type="checkbox"/> Neutral <input type="checkbox"/> Support <input type="checkbox"/> Oppose (<i>Please specify why</i>)</p> <p>Comments (if appropriate):</p>								
<p>5. Advisory committee or school site council that reviewed the waiver. Name:</p> <p>Per <i>EC</i> 33051(a) if the waiver affects a program that requires a school site council that council must <b>approve</b> the request.          Date advisory committee/council reviewed request:</p> <p><input type="checkbox"/> Approve <input type="checkbox"/> Neutral <input type="checkbox"/> Oppose</p> <p>Were there any objection? Yes <input type="checkbox"/> No <input type="checkbox"/> (If there were objections please specify)</p>								



CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**  
SW-1 (Rev. 10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

**See Attachment A**

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

**See Attachment B**

8. Demographic Information:  
*Acton-Agua Dulce USD* has a student population of 1456 and is located in a rural community *in* Los Angeles County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** ☒ No ☐ Yes  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** ☒ No ☐ Yes  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title: Superintendent	Date: 5/10/12
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Signature of SELPA Director (only if a Special Education Waiver)	Date:
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

## Specific Waiver

### 6. Education Code or California Code of Regulations section to be waived.

#### **Grades 1 -3**

EC 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: ~~(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.~~

## **GENERAL WAIVER (Acton-Agua Dulce Unified School District)**

### **7. Desired outcome/rationale....**

Due to the current State fiscal crisis, the Acton-Agua Dulce Unified School District is requesting a Specific Waiver of class size for grades 1-3 for 2011-2012. This waiver would increase the class size limits beyond the 1964 required level (EC Section 41376b and e.) If the waivers are **not** approved, class size penalties would result in \$26,478. The purpose of the waiver is not to permanently increase class size but allows some flexibility as the District has fluctuations in enrollment; avoid multi non consecutive graded classrooms (i.e. A 4<sup>th</sup> 6<sup>th</sup> grade split), as well as a potential savings to the district for each fiscal year. The Acton-Agua Dulce Unified School District has only two elementary schools, one middle school, and one high school. All efforts to reduce cost and maintain a positive budget in this last year have been implemented.

July 19, 2012

Stel Cordano  
School Fiscal Services Division  
Department of Education

Re: Class Size Waiver

Dear Ms. Cordano:

This letter is to provide you with additional details regarding the class size waiver request for the Acton Agua-Dulce Unified School District (District). The District is requesting that the State Board of Education approve the specific waiver of class size in grades 1-3 to an average class size not to exceed 30 students and a maximum class size of 33 due to extenuating circumstances. If the waiver is not approved, the financial penalties imposed on the district would have a detrimental effect on the district's operations and ability to maintain and improve instruction in all core subjects, including reading and mathematics.

We hope that this information is helpful in processing the District's request for a class size waiver. Should you have any questions regarding this matter, please feel free to contact me at (661)269-0750 extension #104.

Sincerely,

Steve Budhreja Ed.D.  
Chief Financial Officer  
Acton Agua Dulce Unified School District

22-6-2012

Attachment 3

Page 1 of 3

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**SW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>First Time Waiver: XRenewal Waiver     

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		3	3	6	6	9	7	7
Local educational agency:  Alvord Unified School District		Contact name and Title:  Nicolas Ferguson, Superintendent				Contact person's e-mail address: Nicholas.ferguson@alvord.k12.ca.u		
Address: (City) (State) (ZIP) 10365 Keller Avenue Riverside, CA 92505		Phone (and extension, if necessary): (951) 509-5024 Fax number: (951) 351-9306						
Period of request: (month/day/year)  From: 7/1/11 To: 6/29/2013		Local board approval date: (Required)  June 14, 2012						
<b>LEGAL CRITERIA</b>								
1. Authority for the waiver: 41382 Specific code section: 41378 (a) – (e); 41376 (a), (c), and (d) Write the EC Section citation, which allows you to request, or authorizes the waiver of the specific EC Section you want to waive. <b>EC 41382 Exemption from penalty provision: Application to State Board of Education</b>								
2. <i>Education Code or California Code of Regulations</i> or portion to be waived. Section to be waived: (number) Circle One: EC or CCR <b>EC 41376 (a), (c) and (d) and 41378 (a) through (e)</b>  Brief Description of the topic of the waiver: <b>Waiver of class size penalties for grades K-3. Under the provisions of Ed. Code sections 41376 (a), (c) and (d) and 41378 (a) through (e) to avoid class size penalties.</b>								
3. If this is a renewal of a previously approved waiver, please list Waiver No: _____ and date of SBE approval _____ Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.								
4. Collective bargaining unit information. (Not necessary for EC 56101 waivers)  Does the district have any employee bargaining units? <u>  </u> No <input checked="" type="checkbox"/> Yes If yes, please complete required information below: Bargaining unit(s) consulted on date(s): AEA: May 25, 2012 CSEA: May 31, 2012  Name of bargaining units and representative(s) consulted: Alvord Educators' Association (AEA) California School Employees Association , Chapter 339 (CSEA)  The position(s) of the bargaining unit(s): (AEA) <u>XX</u> Neutral <u>  </u> Support <u>  </u> Oppose ( <i>Please specify why</i> ) The position(s) of the bargaining unit(s): (CSEA) <u>  </u> Neutral <u>XX</u> Support <u>  </u> Oppose ( <i>Please specify why</i> )								
5. Advisory committee or school site council that reviewed the waiver. Name: District Advisory Committee  Per EC 33051(a) if the waiver affects a program that requires a school site council that council must <b>approve</b> the request. Date advisory committee/council reviewed request: June 4, 2012  <u>XX</u> Approve <u>  </u> Neutral <u>  </u> Oppose  Were there any objection? Yes <u>  </u> No <u>XX</u> (If there were objections please specify)								

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**  
SW-1 (Rev. 10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

~~EC 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.~~

~~EC 41378. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes. (a) The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class. (b) The total number of pupils which are in excess of thirty three (33) in each class having an enrollment of more than thirty three (33). (c) The total number of pupils by which the average class size in the district exceeds 31. (d) The greater number of pupils as determined in (b) or (c) above. (e) He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (d) of this section by ninety seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

The District requests a waiver to increase the maximum class size in grade 1-3 from 32 to 36 and the maximum class-size in Kindergarten from 33 to 35. If the waiver is not approved, the penalty will adversely affect core curriculum programs such as Math and English.

The waiver would end on June 29, 2013 unless otherwise extended.

8. Demographic Information:  
Alvord Unified School District has a student population of 19,000 and is located in a semi-rural portion of the cities of Riverside and a section of Corona in Riverside County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** ☒ No ☐ Yes  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** ☒ No ☐ Yes  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title: Superintendent	Date:
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Signature of SELPA Director (only if a Special Education Waiver)	Date:
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**

SW-1 (Rev. 10-2-09 <http://www.cde.ca.gov/re/lr/wr/>)

First Time Waiver:   X  

Renewal Waiver:       

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		2	0	7	5	6	0	6
Local educational agency: Chawanakee Unified School District		Contact name and Title: Maryann Henry, Business Manager				Contact person's e-mail address: mhenry@mychawanakee.org		
Address: (City) (State) (ZIP) PO Box 400, North Fork, CA 93643		Phone (and extension, if necessary): 559-877-6209 ext 212 Fax number: 559-877-2065						
Period of request: (month/day/year) From: July 1, 2021 To: June 30, 2014		Local board approval date: (Required) June 26, 2012						
<b>LEGAL CRITERIA</b>								
1. Authority for the waiver: <u>      </u> Specific code section: 41376 & 41378 Write the <i>EC</i> Section citation, which allows you to request, or authorizes the waiver of the specific <i>EC</i> Section you want to waive. <b>According to Education Code Sections 41376 &amp; 41378 increase in class sizes in grades K, 1, 2, 3.</b>								
2. <i>Education Code</i> or <i>California Code of Regulations</i> or portion to be waived. Section to be waived: (number) <u>                    </u> Circle One <u>(EC)</u> or CCR Brief Description of the topic of the waiver: Increase in class sizes in grades K, 1, 2, 3.								
3. If this is a renewal of a previously approved waiver, please list Waiver No: <u>          </u> and date of SBE approval <u>          </u> Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.								
4. Collective bargaining unit information. (Not necessary for <i>EC</i> 56101 waivers)  Does the district have any employee bargaining units? <u>  </u> No <u>  X  </u> Yes If yes, please complete required information below:  Bargaining unit(s) consulted on date(s): 6/5/2012  Name of bargaining units and representative(s) consulted: Chawanakee Teacher's Association, Jessica Fairbanks, CTA President.  The position(s) of the bargaining unit(s): <u>  X  </u> Neutral <u>      </u> Support <u>      </u> Oppose ( <i>Please specify why</i> )  Comments (if appropriate): We have no cap in our bargaining agreement.								
5. Advisory committee or school site council that reviewed the waiver. Name: District Budget Committee  Per <i>EC</i> 33051(a) if the waiver affects a program that requires a school site council that council must <b>approve</b> the request. Date advisory committee/council reviewed request: 2/23/2012  <u>  X  </u> Approve <u>      </u> Neutral <u>      </u> Oppose  Were there any objection? Yes <u>      </u> No <u>  X  </u> (If there were objections please specify)								



CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**  
SW-1 (Rev. 10-2-09)

<p>6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a <b>strike out key</b> if only portions of sections are to be waived). (Attach additional pages if necessary.)</p> <p>Education Code Section 41376 (a) &amp; 41378 See attached (2)</p>		
<p>7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)</p> <p>The need for flexibility during State fiscal crisis. We do not have exact class sizes at this time, but anticipate enrollment to increase making this a necessity.</p> <p>We have no student cap in our Certificated bargaining agreement.</p>		
<p>8. Demographic Information: (District/school/program)_Chawanakee Unified has a student population of 1,059 and is located in a rural area in Madera County.</p>		
<p><b>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If yes, please attach explanation or copy of audit finding)</p> <p><b>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If yes, please attach explanation or copy of CPM finding)</p>		
<p><b>District or County Certification</b> – I hereby certify that the information provided on this application is correct and complete.</p>		
Signature of Superintendent or Designee: Stephen Foster, Ed. D. (original signature submitted by hand).	Title: Superintendent	Date: June 26, 2012
Signature of SELPA Director (only if a Special Education Waiver)		Date:
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name (type or print):	Staff Signature:	Date:
Unit Manager (type or print):	Unit Manager Signature:	Date:
Division Director (type or print):	Division Director Signature:	Date:
Deputy (type or print):	Deputy Signature:	Date:

July 14, 2012

Stel Cordano, Consultant  
School Fiscal Services Division  
California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Dear Ms. Cordano,

Thank you for your prompt attention to our K-3 Class Size Penalty Waiver Request. The Chawanakee Unified School District is requesting the State Board of Education to approve the specific waiver of class size in grades K-3 to an average of 34:1 with no individual class exceeding 35:1.

The current fiscal crisis at the state level has direct impact to our school districts ability to maintain a positive fund balance without additional staff reductions and increased class sizes. The District has continued to maintain its commitment to programs and to District staff during these challenging fiscal times, however, without the waiver of class-size penalties, the District will either be required to hire back additional staff or pay a penalty for exceeding the class size maximums. The penalty that our District would acquire could be up to \$155,846.00 if the waiver is not granted. This would result in the ability to maintain the delivery of instruction in all core subjects including reading and mathematics.

This is a temporary waiver request that would end on June 30, 1014, at which time the district would reassess its educational needs related to class sizes.

Sincerely,

Maryann Henry  
Business Manager

## To Waive the Class Size Penalty (Grades K, 1-3) Prospectively EC §41378 and EC §41376

EC 41378. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes.

~~(a) The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class.~~

~~(b) The total number of pupils which are in excess of thirty-three (33) in each class having an enrollment of more than thirty-three (33).~~

~~(c) The total number of pupils by which the average class size in the district exceeds 31.~~

~~(d) The greater number of pupils as determined in (b) or (c) above.~~

~~(e) He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (d) of this section by ninety-seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product~~

41376 The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. ~~(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.~~ (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section. ~~(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**

SW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>

First Time Waiver: \_\_\_\_

Renewal Waiver: \_\_\_\_

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 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		3	3	6	7	0	5	8
Local educational agency: <b>Desert Sands Unified School District</b>		Contact name and Title: <b>Cindy McDaniel, Assistant Superintendent, Business Services</b>				Contact person's e-mail address: Cynthia.mcdaniel@dsusd.us		
Address: (City) (State) (ZIP) <b>47-950 Dunes Palms Road La Quinta CA 92253</b>		Phone (and extension, if necessary): <b>(760) 771-8507</b> Fax number: <b>(760) 771-8510</b>						
Period of request: (month/day/year) From: <b>7/01/12</b> To: <b>6/29/14</b>		Local board approval date: (Required) <b>5/1/12</b>						
<b>LEGAL CRITERIA</b>								
1. Authority for the waiver: Ed Code 41382 Specific code section: 41378(a)(b)(c)(d) and (e) Write the EC Section citation, which allows you to request, or authorizes the waiver of the specific EC Section you want to waive. <b>SEE ATTACHED</b>								
2. <i>Education Code</i> or <i>California Code of Regulations</i> or portion to be waived. Section to be waived: (number) <b>41378 (a)(b)(c)(d) and (c)</b> Circle One: <i>EC</i> or <i>CCR</i>  Brief Description of the topic of the waiver: <b>Waiver of class size penalty for exceeding current class size limits and current class size average limits in grade K as stated in Ed Code 41378 (a) through (e).</b>								
3. If this is a renewal of a previously approved waiver, please list Waiver No: <b>NA</b> and date of SBE approval ____ Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.								
4. Collective bargaining unit information. (Not necessary for EC 56101 waivers)  Does the district have any employee bargaining units? ___ No <u><b>X</b></u> Yes If yes, please complete required information below:  Bargaining unit(s) consulted on date(s): <b>4/27/12</b>  Name of bargaining units and representative(s) consulted: <b>Desert Sands Teachers Association (DSTA)</b> <b>Mona Davidson, President</b>  The position(s) of the bargaining unit(s): ___ Neutral <u><b>X</b></u> Support ___ Oppose ( <i>Please specify why</i> )  Comments (if appropriate):								
5. Advisory committee or school site council that reviewed the waiver. Name: <b>The Desert Sands Finance Committee reviewed this waiver.</b> Per EC 33051(a) if the waiver affects a program that requires a school site council that council must <b>approve</b> the request. Date advisory committee/council reviewed request: <b>4/19/12</b> ___x___ Approve ___ Neutral ___ Oppose  Were there any objection? Yes ___ No <u><b>X</b></u> (If there were objections please specify)								

CALIFORNIA DEPARTMENT OF EDUCATION  
SPECIFIC WAIVER REQUEST  
SW-1 (Rev. 10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

**SEE ATTACHED**

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

**SEE ATTACHED**

8. Demographic Information:  
(District/school/program) **District** has a student population of **29,199** and is located in a **suburban** (urban, rural, or small city etc.) in **Riverside** County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** ☒ No ☐ Yes  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** ☒ No ☐ Yes  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:	Title:	Date:
Signature of SELPA Director (only if a Special Education Waiver)		Date:

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

Staff Name (type or print):	Staff Signature:	Date:
Unit Manager (type or print):	Unit Manager Signature:	Date:
Division Director (type or print):	Division Director Signature:	Date:
Deputy (type or print):	Deputy Signature:	Date:

**Desert Sands Unified School District  
Specific Waiver Request Attachment**

**#1** *Write the EC Section citation, which allows you to request, or authorizes the waiver of the specific EC Section you want to waive:*

EC 41382. The principal of any elementary school maintaining kindergarten classes or regular day classes in grades 1 to 3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376, **41378**, or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendation, or the adoption of such resolution, the governing board shall make application to the State Board of Education on behalf of the school for an exemption for such classes from the specified provisions. The State Board of Education shall grant the application if it finds that the specified provisions of Section 41376, **41378**, or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provision of such sections.

**#6** *Education Code or California Code of Regulations section to be waived:*

EC 41378 The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes. ~~(a) The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class. (b) The total number of pupils which are in excess of thirty-three (33) in each class having an enrollment of more than thirty-three (33). (c) The total number of pupils by which the average class size in the district exceeds 31. (d) The greater number of pupils as determined in (b) or (c) above. (e) He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (d) of this section by ninety-seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

**Desert Sands Unified School District  
Specific Waiver Request Attachment**

*#7 Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.*

The Desert Sands Unified School District has worked tirelessly to provide the essential core academic programs to our students by investing every available resource to maintain as many teacher jobs and student programs as possible. With the current staffing reductions having to be made due to the challenging fiscal environment, the imposition of financial penalties for exceeding class-size requirements would have a devastating impact on our ability to continue to provide quality instruction in all core subjects, including reading and mathematics. The estimated potential penalty if the waiver is not approved is: \$350,024.50. There is no bargaining unit cap in the contract between the District and DSTA.

Further dramatic loss of funding, should the waiver not be approved, would compromise the Districts' ability to develop more effective educational programs to continue innovative programs and practices in serving the needs of our students. Most notably, great strides have been made in programs serving English Language Learners and Students with Disabilities in the areas of mathematics and English/Language Arts/Reading. The waiver is essential to our efforts of continued improvement of core instructional programs and services for all Desert Sands students.

It is the District's desire that the overall average and individual class size in grade K is not larger than 34 pupils per teacher. Our current average class size for grade K is 28:1.

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**

SW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>

First Time Waiver: ☐

Renewal Waiver: ☐

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in **Word** and  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		3	3	6	7	0	5	8
Local educational agency: <b>Desert Sands Unified School District</b>		Contact name and Title: <b>Cindy McDaniel, Assistant Superintendent, Business Services</b>				Contact person's e-mail address: Cynthia.mcdaniel@dsusd.us		
Address: (City) (State) (ZIP) <b>47-950 Dunes Palms Road La Quinta CA 92253</b>		Phone (and extension, if necessary): <b>(760) 771-8507</b> Fax number: (760) 771-8510						
Period of request: (month/day/year) From: <b>7/01/12</b> To: <b>6/29/14</b>		Local board approval date: (Required) <b>5/1/12</b>						
<b>LEGAL CRITERIA</b>								
<p>1. Authority for the waiver: Ed Code 41382 Specific code section: 41378(a)(b)(c)(d) and (e) Write the EC Section citation, which allows you to request, or authorizes the waiver of the specific EC Section you want to waive. <b>SEE ATTACHED</b></p>								
<p>2. <i>Education Code</i> or <i>California Code of Regulations</i> or portion to be waived. Section to be waived: (number) 41378 (a)(b)(c)(d) and (c) Circle One: <i>EC</i> or <i>CCR</i>  Brief Description of the topic of the waiver: <b>Waiver of class size penalty for exceeding current class size limits and current class size average limits in grade K as stated in Ed Code 41378 (a) through (e).</b></p>								
<p>3. If this is a renewal of a previously approved waiver, please list Waiver No: <b>NA</b> and date of SBE approval _____ Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.</p>								
<p>4. Collective bargaining unit information. (Not necessary for EC 56101 waivers)  Does the district have any employee bargaining units? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes, please complete required information below: Bargaining unit(s) consulted on date(s): <b>4/27/12</b>  Name of bargaining units and representative(s) consulted: <b>Desert Sands Teachers Association (DSTA)</b> <b>Mona Davidson, President</b>  The position(s) of the bargaining unit(s): <input type="checkbox"/> Neutral <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose (<i>Please specify why</i>)  Comments (if appropriate):</p>								
<p>5. Advisory committee or school site council that reviewed the waiver. Name: <b>The Desert Sands Finance Committee reviewed this waiver.</b>  Per EC 33051(a) if the waiver affects a program that requires a school site council that council must <b>approve</b> the request. Date advisory committee/council reviewed request: <b>4/19/12</b>  <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Neutral <input type="checkbox"/> Oppose</p>								



CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**  
SW-1 (Rev. 10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

**SEE ATTACHED**

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

**SEE ATTACHED**

8. Demographic Information:  
(District/school/program) **District** has a student population of **29,199** and is located in a **suburban** (urban, rural, or small city etc.) in **Riverside** County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** ☒ No ☐ Yes  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** ☒ No ☐ Yes  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:	Title:	Date:
--	--------	-------

Signature of SELPA Director (only if a Special Education Waiver)	Date:
--	-------

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

Staff Name (type or print):	Staff Signature:	Date:
Unit Manager (type or print):	Unit Manager Signature:	Date:
Division Director (type or print):	Division Director Signature:	Date:
Deputy (type or print):	Deputy Signature:	Date:

**Desert Sands Unified School District  
Specific Waiver Request Attachment**

**#1** *Write the EC Section citation, which allows you to request, or authorizes the waiver of the specific EC Section you want to waive:*

EC 41382. The principal of any elementary school maintaining kindergarten classes or regular day classes in grades 1 to 3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376, **41378**, or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendation, or the adoption of such resolution, the governing board shall make application to the State Board of Education on behalf of the school for an exemption for such classes from the specified provisions. The State Board of Education shall grant the application if it finds that the specified provisions of Section 41376, **41378**, or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provision of such sections.

**Desert Sands Unified School District  
Specific Waiver Request Attachment**

**#6 Education Code or California Code of Regulations section to be waived:**

EC 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: ~~(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.~~

**Desert Sands Unified School District  
Specific Waiver Request Attachment**

*#7 Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.*

The Desert Sands Unified School District has worked tirelessly to provide the essential core academic programs to our students by investing every available resource to maintain as many teacher jobs and student programs as possible. With the current staffing reductions having to be made due to the challenging fiscal environment, the imposition of financial penalties for exceeding class-size requirements would have a devastating impact on our ability to continue to provide quality instruction in all core subjects, including reading and mathematics. The estimated potential penalty if the waiver is not approved is: \$2.3 Million. There is no bargaining unit cap in the contract between the District and DSTA.

Further dramatic loss of funding, should the waiver not be approved, would compromise the Districts' ability to develop more effective educational programs to continue innovative programs and practices in serving the needs of our students. Most notably, great strides have been made in programs serving English Language Learners and Students with Disabilities in the areas of mathematics and English/Language Arts/Reading. The waiver is essential to our efforts of continued improvement of core instructional programs and services for all Desert Sands students.

It is the District's desire that the overall average and individual class size in grades one through three is not larger than 34 pupils per teacher. Our current average class sizes are as followed: Grade 1 – 30:1; Grade 2 – 29:1; Grade 3 – 30:1.

CALIFORNIA DEPARTMENT OF EDUCATION

**SPECIFIC WAIVER REQUEST**SW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>

First Time Waiver: \_\_\_

Renewal Waiver: **X**

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		3	3	6	7	0	5	8
Local educational agency:  Desert Sands Unified School District		Contact name and Title: Cindy McDaniel, Asst Superintendent, Business Services				Contact person's e-mail address: Cynthia.mcdaniel@dsusd.us		
Address: (City) (State) 47-950 Dune Palms Road La Quinta CA 92253		Phone (and extension, if necessary): (760) 771-8507 Fax number: (760) 771-8510						
Period of request: (month/day/year) From: 7/01/2011 To: 6/29/2012		Local board approval date: (Required) June 19, 2012						
<b>LEGAL CRITERIA</b>								
1. Authority for the waiver: <b>Ed Code 41382</b> Specific code section: <b>41376(a)(c) and (d)</b> Write the <i>EC</i> Section citation, which allows you to request, or authorizes the waiver of the specific <i>EC</i> Section you want to waive. <b>See Attached</b>								
2. <i>Education Code</i> or <i>California Code of Regulations</i> or portion to be waived. Section to be waived: (number) <b>41376(a)(c) and (d)</b> Circle One: <u>EC</u> or CCR  Brief Description of the topic of the waiver: <b>Renewal of Waiver of class size penalty for exceeding current class size limits and current class size average limits in grades 1-3.</b> Exceeding the limits of the current waiver ( 33 students - 49-6-2010-W-2) in place in three Grade 3 classes.								
3. If this is a renewal of a previously approved waiver, please list Waiver No: <b>49-6-2010-W-2</b> and date of SBE approval <b>9/16/10.</b> Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.								
4. Collective bargaining unit information. (Not necessary for <i>EC</i> 56101 waivers)  Does the district have any employee bargaining units? ___ No <u>X</u> Yes If yes, please complete required information below:  Bargaining unit(s) consulted on date(s): <b>Desert Sands Teachers Association (DSTA) on June 15, 2012,</b>  Name of bargaining units and representative(s) consulted: <b>Mona Davidson, President</b>  The position(s) of the bargaining unit(s): ___ Neutral <u>X</u> Support ___ Oppose ( <i>Please specify why</i> )  <i>Comments (if appropriate):</i>								
5. Advisory committee or school site council that reviewed the waiver. Name:  Per <i>EC</i> 33051(a) if the waiver affects a program that requires a school site council that council must <b>approve</b> the request. Date advisory committee/council reviewed request: The Desert Sands Finance Committee reviewed this waiver on <b>June 14, 2012.</b>  <u>X</u> <b>Approve</b> ___ <b>Neutral</b> ___ <b>Oppose</b>  Were there any objection? Yes ___ No <u>X</u> (If there were objections please specify)								

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**  
SW-1 (Rev. 10-2-09)

<p>6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a <b>strike out key</b> if only portions of sections are to be waived). (Attach additional pages if necessary.)</p> <p><b>See Attached</b></p>												
<p>7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)</p> <p><b>See Attached</b></p>												
<p>8. Demographic Information: <b>Desert Sands Unified School District</b> has a student population of <b>29,199</b> and is located in a <b>suburban location</b> in <b>Riverside</b> County.</p>												
<p><b>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If yes, please attach explanation or copy of audit finding)</p> <p><b>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If yes, please attach explanation or copy of CPM finding)</p>												
<p><b>District or County Certification</b> – <i>I hereby certify that the information provided on this application is correct and complete.</i></p>												
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; padding: 5px;">Signature of Superintendent or Designee:</td> <td style="width: 33%; padding: 5px;">Title: Assistant Superintendent, Business Services</td> <td style="width: 33%; padding: 5px;">Date: June 20, 2012</td> </tr> <tr> <td colspan="2" style="padding: 5px;">Signature of SELPA Director (only if a Special Education Waiver)</td> <td style="padding: 5px;">Date:</td> </tr> </table>	Signature of Superintendent or Designee:	Title: Assistant Superintendent, Business Services	Date: June 20, 2012	Signature of SELPA Director (only if a Special Education Waiver)		Date:						
Signature of Superintendent or Designee:	Title: Assistant Superintendent, Business Services	Date: June 20, 2012										
Signature of SELPA Director (only if a Special Education Waiver)		Date:										
<p><b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; padding: 5px;">Staff Name (<i>type or print</i>):</td> <td style="width: 33%; padding: 5px;">Staff Signature:</td> <td style="width: 33%; padding: 5px;">Date:</td> </tr> <tr> <td style="padding: 5px;">Unit Manager (<i>type or print</i>):</td> <td style="padding: 5px;">Unit Manager Signature:</td> <td style="padding: 5px;">Date:</td> </tr> <tr> <td style="padding: 5px;">Division Director (<i>type or print</i>):</td> <td style="padding: 5px;">Division Director Signature:</td> <td style="padding: 5px;">Date:</td> </tr> <tr> <td style="padding: 5px;">Deputy (<i>type or print</i>):</td> <td style="padding: 5px;">Deputy Signature:</td> <td style="padding: 5px;">Date:</td> </tr> </table>	Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:	Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:	Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:	Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:
Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:										
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:										
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:										
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:										

Desert Sands Unified School District

Specific Waiver Request  
Attachments

# 1. Write the *EC* Section citation, which allows you to request, or authorizes the waiver of the specific *EC* Section you want to waive.

**EC 41382.** The principal of any elementary school maintaining kindergarten classes or regular day classes in grades 1 to 3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376, **41378**, or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendation, or the adoption of such resolution, the governing board shall make application to the State Board of **Education** on behalf of the school for an exemption for such classes from the specified provisions. The State Board of **Education** shall grant the application if it finds that the specified provisions of Section 41376, **41378**, or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provision of such sections.

Desert Sands Unified School District

Specific Waiver Request  
Attachments

# 6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

**EC 41376** (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: ~~(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.~~



Desert Sands Unified School District

Specific Waiver Request  
Attachments

# 7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

The California State Board of Education, at its meeting on September 16, 2010 approved to waive portions of Education Code Section 41376 (a), (c), and (d), relating to class size penalties for grades one through three for Desert Sands Unified School District. The recommendation was that the class size penalty in grades one through three will be waived provided that the overall average and individual class size is not larger than 33 students to one teacher.

We are seeking a renewal for the period 7/1/2011 through 6/29/2012 as three of our third grade classes exceeded the average of 33:1 established by the waiver granted for 2011-12, by one student each.

Third grade California English Language Arts and Mathematics content standards are extremely challenging. As students transition from the primary grades into intermediate elementary grades, the expectations for both the mastery and application of state standards become increasingly rigorous. Creating combination grade classes, particularly of grades two/three and three/four, negatively impact the ability of the teacher to effectively provide explicit instruction and opportunities to apply learning at both grade levels. Additionally, our district expects teachers to use on-going and frequent formative assessments to determine students' academic strengths and needs, which would be further impacted by combination grade classes. Rather than create combination classes, it was determined that in the case of those three third class classes, it was in the students' best interest to increase class size to an average of thirty-four (34) students, rather than disrupting instruction to reorganize mid-year to maintain classes of thirty-three (33) or less. Reorganizing students mid-year in order to maintain the 33:1 ratio would negatively impact the relationships students and parents had already established with their classroom teachers and peers. The number of required instructional minutes differs between grades three and four, creating an additional negative impact on the structure of the class and instructional program for students.

Further dramatic loss of funding, should the waiver not be renewed, would compromise the Districts' ability to develop more effective educational programs to continue innovative programs and practices in serving the needs of our students. Most notably, great strides have been made in programs serving English Language Learners and Students with Disabilities in the areas of mathematics and English/Language Arts/Reading. The waiver is essential to our efforts of continued improvement of core instructional programs and services for all Desert Sands students.

Desert Sands Unified School District has worked tirelessly to provide the essential core academic programs to our students by investing every available resource to maintain as many teacher jobs and student programs as possible. With the current staffing reductions having to be made due to the challenging fiscal environment, the imposition of financial penalties for exceeding class-size requirements would have a devastating impact on our ability to continue to provide quality instruction in all core subjects, including reading and mathematics. The estimated potential penalty if the waiver is not renewed for the 2011/2012 fiscal year is: \$ .6 Million. There is no bargaining unit cap in the contract between the District and DSTA.

It is the District's desire that the District's overall average class size does not exceed 33 students and average individual class size in grades one through three is not larger than 34 pupils per teacher for the renewal period of 7/1/2011 through 6/29/2012.

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**

SW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

**First Time Waiver:**   X  

**Renewal Waiver:**       

Send Electronic copy in Word and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		3	4	6	7	3	3	0
Local educational agency:  Folsom Cordova Unified School District		Contact name and Title:  Rhonda Crawford, CFO/CBO				Contact person's e-mail address: <a href="mailto:rcrawfor@fcusd.org">rcrawfor@fcusd.org</a>		
Address: (City) (State) (ZIP) 1965 Birkmont Drive, Rancho Cordova, CA 95742		Phone (and extension, if necessary): (916) 294-9004 Fax number: (916) 294-9020						
Period of request: (month/day/year)  From: 07/01/11 To: 06/30/12		Local board approval date: (Required)  June 7, 2012						
<b>LEGAL CRITERIA</b>								
<p>9. Authority for the waiver: EC 41382 Specific code section: EC 41382 Exemption from penalty provisions; application to State Board of Education          Write the <i>EC</i> Section citation, which allows you to request, or authorizes the waiver of the specific <i>EC</i> Section you want to waive.          The principal of any elementary school maintaining kindergarten classes or regular day classes in grades 1 to 3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376, 41378, or 41379.</p>								
<p>10. <i>Education Code</i> or <i>California Code of Regulations</i> or portion to be waived.          Section to be waived: (number) 41376 (a), (c) and (d) Circle One: <u>EC</u> or CCR           Brief Description of the topic of the waiver: Waiver of class size penalties for Grades 1-3. Under provisions of Ed Code Sections 41376 (a), (c), and (d) to avoid class size penalties in grades 1 through 3.</p>								
<p>11. If this is a renewal of a previously approved waiver, please list Waiver No: <u>  N/A  </u> and date of SBE approval _____          Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.</p>								
<p>12. Collective bargaining unit information. (Not necessary for <i>EC</i> 56101 waivers)</p> <p>Does the district have any employee bargaining units? <u>  No  </u> <u>  X  </u> Yes If yes, please complete required information below:</p> <p>Bargaining unit(s) consulted on date(s): May 30, 2012</p> <p>Name of bargaining units and representative(s) consulted: Michael Itkoff, President, FCEA</p> <p>The position(s) of the bargaining unit(s): <u>      </u> Neutral <u>  X  </u> Support <u>      </u> Oppose (<i>Please specify why</i>)</p> <p>Comments (if appropriate):</p>								
<p>13. Advisory committee or school site council that reviewed the waiver. Name: <b>N/A</b></p> <p>Per EC 33051(a) if the waiver affects a program that requires a school site council that council must <b>approve</b> the request.          Date advisory committee/council reviewed request:</p> <p><u>      </u> Approve <u>      </u> Neutral <u>      </u> Oppose</p> <p>Were there any objection? Yes <u>      </u> No <u>      </u> (If there were objections please specify)</p>								

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**  
SW-1 (Rev. 10-2-09)

14. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

41376 (a)(c) and (d). The Superintendent of Public Instruction, in computing apportionments and allowance from the State School fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) for grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. **SEE ATTACHED CORRECTION**

15. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

Avoid Class Size Penalty. **SEE ATTACHED**

16. Demographic Information:  
(District/school/program) Folsom Cordova Unified has a student population of 18,800 and encompasses two small communities in Sacramento County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** ☒ No ☐ Yes  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** ☒ No ☐ Yes  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:	Title: Superintendent	Date:
Signature of SELPA Director (only if a Special Education Waiver)		Date:

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

Staff Name (type or print):	Staff Signature:	Date:
Unit Manager (type or print):	Unit Manager Signature:	Date:
Division Director (type or print):	Division Director Signature:	Date:
Deputy (type or print):	Deputy Signature:	Date:

## 6. EC to be waived

EC 41376 (a)(c) and (d)

The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

~~(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.~~

(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.

~~(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.~~

~~(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed~~

~~pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.~~

**7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations.**

Folsom Cordova Unified (FCUSD) is seeking to temporarily increase the maximum class size in second grade. One second grade class had an enrollment of 33 students.

Two of the 33 students were retained from the 2010/11 school year. The students were assigned to the class in order to avoid disruption to families and to maintain consistency. This was the only second grade class offered at the school and would have required busing to another elementary school site resulting in higher transportation costs. The teacher was consulted and agreed to the class size of 33 students.

The District believes this waiver is necessary due to fiscal challenges faced by school districts across the state. FCUSD has faced enormous fiscal challenges since 2007. If imposed, this significant financial penalty of \$493,451 will compromise the district's continued ability to maintain the delivery of instruction and required program offerings in all core subjects, including reading and mathematics.

# CALIFORNIA DEPARTMENT OF EDUCATION SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>

First Time Waiver: X

Renewal Waiver:     

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in **Word** and  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		3	0	6	6	5	2	2
Local educational agency:		Contact name and Title:				Contact person's e-mail address:		
GARDEN GROVE UNIFIED SCHOOL DISTRICT		Sue McCann, Asst Sup't Business Serv.				smccann@ggusd.us		
Address: (City) (State)		Phone (and extension, if necessary):				714-663-6446		
(ZIP)		Fax number: 714-663-6100						
10331 Stanford Avenue, Garden Grove, Ca. 92840								
Period of request: (month/day/year)		Local board approval date: (Required)						
From: 9/8/11 To: 6/21/13		6/5/12						
<b>LEGAL CRITERIA</b>								
<p>1. Authority for the waiver: <a href="#">Education Code Section 41382</a>, Specific code section: <a href="#">Education Code Section 41376</a>____ Write the EC Section citation, which allows you to request, or authorizes the waiver of the specific EC Section you want to waive. <a href="#">EC 41382 ...The State Board of Education shall grant the application if it finds that the specified provisions of Section 41376, 41378, or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provision of such sections.</a></p>								
<p>2. <i>Education Code</i> or <i>California Code of Regulations</i> or portion to be waived. Section to be waived: (number) <a href="#">EC 41376 (a)(c) and (d)</a> Circle One: <a href="#">EC</a> or <a href="#">CCR</a>  Brief Description of the topic of the waiver: <a href="#">To Waive the Class Size Penalty (Grades 1 through 3), for 2011/12 and 2012-13. Waive the Class Size Penalty (Grade 1 through 3) – from: 30 to: 33.</a></p>								
<p>3. If this is a renewal of a previously approved waiver, please list Waiver No: <u>no</u> and date of SBE approval _____ <del>Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.</del></p>								
<p>4. Collective bargaining unit information. (Not necessary for EC 56101 waivers)</p> <p>Does the district have any employee bargaining units? <u>  </u> No <u>X</u> Yes If yes, please complete required information below: Bargaining unit(s) consulted on date(s): <a href="#">5/14/12, 5/16/12, 5/21/12</a></p> <p>Name of bargaining units and representative(s) consulted: <a href="#">Garden Grove Education Association (GGEA) &amp; CSEA</a></p> <p>The position(s) of the bargaining unit(s): <u>  </u> Neutral <u>XX</u> Support <u>  </u> Oppose (<i>Please specify why</i>)</p> <p>Comments (if appropriate): <a href="#">District has in place negotiated Agreement with GGEA to increase staffing ratio to 33:1 for 2010-11 and 2011-12; and in Negotiations to extend through 2012-13 as the state fiscal crisis continues.</a></p>								
<p>5. Advisory committee or school site council that reviewed the waiver. Name: <a href="#">District Advisory Committee 4/12/12; District PTA Council 5/21/12; K-12 Advisory Committee 5/11/12</a></p> <p>Per EC 33051(a) if the waiver affects a program that requires a school site council that council must <b>approve</b> the request. Date advisory committee/council reviewed request: <u>X</u> Approve <u>  </u> Neutral <u>  </u> Oppose Were there any objection? Yes <u>  </u> No <u>X</u> (If there were objections please specify)</p>								

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**  
SW-1 (Rev. 10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

**See attached Education Code 41376 (a)(c) and (d)**

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

**See attached page for explanation.**

8. Demographic Information:  
(District/school/program) Garden Grove Unified School District has a student population of 48,382 and is located in an urban area (urban, rural, or small city etc.) in Orange County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** ☒ No ☐ Yes  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** ☒ No ☐ Yes  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:	Title: Sue McCann, Ed.D. Assistant Superintendent, Business Services	Date: 6/5/2012
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Signature of SELPA Director (only if a Special Education Waiver) n/a	Date:
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

Staff Name (type or print):	Staff Signature:	Date:
Unit Manager (type or print):	Unit Manager Signature:	Date:
Division Director (type or print):	Division Director Signature:	Date:
Deputy (type or print):	Deputy Signature:	Date:



## #7 Desired Outcome / Rationale

Due to the State's continuing fiscal crisis and subsequent impact to the district's financial resources, the district took advantage of all available flexibility options including those available through the K-3 Class Size Reduction Program in effect through 2013/14, also understanding and accepting the reduced funding allocation for classes greater than 20.44 during the flexibility period granted by the state. The district closely monitors all class sizes. District experienced ONE classroom of Grade 3/Grade 4 combination students with an average of 33 (only one over the limit among our 421 classes of Grades 1-3). The class size could have been easily corrected by moving two students to a pure Grade 3 class mid-stream in the second semester, however, *this would not have been in the best interest of the students to shift instruction in all core subjects, including reading and mathematics, to another classroom teacher at the same school. If the EC 41376 provision is waived for 2011-12 and 2012-13, this will allow the district to continue more effective educational programs to improve instruction in reading, mathematics, and other instruction.* The penalty for the one student and one classroom over limit is to compute a penalty on the total excess enrollment in all classes having enrollments of more than 30. District has attempted to keep class sizes smaller for Grades 1-3 as evidenced by the historical Grade 1-3 district averages in the last six fiscal/school years (i.e. current year 2011/12= 25.1; 2010/11=22.8; 2009/10= 19.6; 2008/09= 19.0; 2007/08= 19.0; 2006/07= 19.0). The District overall average does not exceed 30 students for grade levels 1-3. The District has also negotiated a staffing ratio maximum of 33 during this continuing period of fiscal crisis. *The District desires the State Board of Education to waive EC 41376 for 2011-12 and 2012-13, and waive the Class Size Penalty (Gr. 1 through 3) – from: 30 to: 33.*

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**

SW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>

First Time Waiver: ☒ **X**

Renewal Waiver: ☐ **—**

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		0	1	6	1	1	9	2
Local educational agency:		Contact name and Title:				Contact person's e-mail address:		
Hayward Unified School District		Stan Dobbs, Assistant Superintendent, Business Services				<a href="mailto:sdobbs@husd.us">sdobbs@husd.us</a>		
Address: (City) (State)		Phone (and extension, if necessary):				Fax number:		
(ZIP) 24411 Amador Street, Hayward, CA 94540-5000 P.O. Box 5000		(510) 784-2634				(510) 782-7213		
Period of request: (month/day/year)		Local board approval date: (Required)						
From: 7/1/11 To: 6/29/12		June 20, 2012						
<b>LEGAL CRITERIA</b>								
1. Authority for the waiver: EC 41382 Specific code section: EC 41378 (a) – (e); EC 41376 (a), (c), and (d) Write the EC Section citation, which allows you to request, or authorizes the waiver of the specific EC Section you want to waive.								
2. <i>Education Code</i> or <i>California Code of Regulations</i> or portion to be waived. Section to be waived: (number) EC 41382 Circle One: <input checked="" type="checkbox"/> <b>EC</b> or <i>CCR</i>  Brief Description of the topic of the waiver: Waiver of Kindergarten Class Size Penalty (EC 41378 (a) – (e)); Waiver of Grades 1-3 Class Size Penalty (EC 41376 (a), (c) and (d))								
3. If this is a renewal of a previously approved waiver, please list Waiver No: <u>N/A</u> and date of SBE approval <u>N/A</u> Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.								
4. Collective bargaining unit information. (Not necessary for EC 56101 waivers)  Does the district have any employee bargaining units? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes, please complete required information below: Bargaining unit(s) consulted on date(s): HEA – 05/10, 05/17, 6/15, 6/21  Name of bargaining units and representative(s) consulted: HEA – Mercedes Faraj, President;  The position(s) of the bargaining unit(s): <input checked="" type="checkbox"/> <b>X</b> Neutral <input type="checkbox"/> Support <input type="checkbox"/> Oppose ( <i>Please specify why</i> )  Comments (if appropriate):								
5. Advisory committee or school site council that reviewed the waiver. Name: Per EC 33051(a) if the waiver affects a program that requires a school site council that council must <b>approve</b> the request. Date advisory committee/council reviewed request: Fiscal Integrity Transparency Action Group (FITAG): 5/15, 6/19 Longwood Elementary SSC: 06/04 Burbank Elementary SSC: 06/06 — <input checked="" type="checkbox"/> <b>X</b> Approve <input type="checkbox"/> Neutral <input type="checkbox"/> Oppose Were there any objection? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <b>X</b> (If there were objections please specify)								

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**  
SW-1 (Rev. 10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

See Attached.

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

See Attached.

8. Demographic Information:  
*Hayward Unified School District* has a student population of approximately 21,000 and is located in the city of Hayward within Alameda County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** X No \_\_\_ Yes  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** X No \_\_\_ Yes  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title:	Date:
Dr. Donald Evans	Superintendent	June 20, 2012
Signature of SELPA Director (only if a Special Education Waiver)		Date:

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

SPECIFIC WAIVER REQUEST  
Hayward Unified School District  
CD Code 0161192  
Waiver of Grades K-3 Class Size Penalty

**Item #6:**

EC 41382. The principal of any elementary school maintaining kindergarten classes or regular day classes in grades 1 to 3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376, 41378, or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendation, or the adoption of such resolution, the governing board shall make application to the State Board of Education on behalf of the school for an exemption for such classes from the specified provisions. The State Board of Education shall grant the application if it finds that the specified provisions of Section 41376, 41378, or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provision of such sections.

EC 41378. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes. ~~(a) The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class. (b) The total number of pupils which are in excess of thirty three (33) in each class having an enrollment of more than thirty three (33). (c) The total number of pupils by which the average class size in the district exceeds 31. (d) The greater number of pupils as determined in (b) or (c) above. (e) He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (d) of this section by ninety seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

EC 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: ~~(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.~~

SPECIFIC WAIVER REQUEST  
Hayward Unified School District  
CD Code 0161192  
Waiver of Grades K-3 Class Size Penalty

Item #7:

The District requests a waiver to increase the District-wide individual class size average of pupils per each full-time equivalent (FTE) teacher from the current limit of 33 per FTE for Kindergarten (per EC 41378) and 32 for grades 1-3 (per EC 41376) to an average and individual class size of 33 to one for grades K-3 for 2011-12.

The Hayward Education Association (HEA) and Hayward USD agreement of 2009-2012 adopts the state's standard for class sizes for K – 3<sup>rd</sup> grade per EC 41376 and 41378.

Due to growth in student enrollment in some areas combined with the current average class size agreement of 33:1 and 32:1 for Kindergarten and grades 1 - 3, respectively, the District exceeded class sizes in 8 of 199 qualified classes. The district moved students from the home site to secondary sites to accommodate for the growth of students from new home sales but on average did exceed the statutory class size agreement at enrollment count. The movement of students was in the best interest of the student to support the integrity of the instructional program and to manage class size. It is not the intent of the District to increase class sizes in Kindergarten through grade three above the state maximums or the HEA agreement; however, the district is requesting the waiver to eliminate any proposed penalties assessed where the District-wide average exceed the current maximum limits allowed in EC 41376 and EC 41378. The waiver is retroactive and will preclude the loss of significant revenue for student instruction.

Because of the extremely challenging fiscal environment presently facing all schools statewide and the uncertainty of the District's potential for losing an additional \$441/ADA (\$8.2M) in the middle of the school year, the Board finds that the District's continued ability to maintain the delivery of instruction and required program offerings in all core subjects, including reading and mathematics, will be seriously compromised by the financial penalties the District would otherwise incur without the requested waiver. In these circumstances, the Board finds specifically that the class size penalty provisions of Education Code section 41376 and 41378 will, if not waived, prevent the District from developing more effective educational programs to improve instruction in reading and mathematics in Kindergarten through grade three. The total estimated value of the class size penalty for the 2011-2012 school year is approximately \$1,179,470.00.

The district will implement a comprehensive and collaborative class size monitoring program that will ensure that this waiver is not required in the future. The sub-committee will review class sizes on an enrollment month basis and report status to a centralized executive management committee. The goal will be to address the issue of class size at the student input level of the process by empowering and promoting proactive site level support and by prototyping centralized registration. This forward-looking change will eliminate the over-population of classes at the intake vice managing average class size at the output level of the process.

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**

SW-1 (Rev. 10-2-09 <http://www.cde.ca.gov/re/lr/wr/>)

First Time Waiver:     

Renewal Waiver:   X  

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		3	6	7	5	0	4	4
Local educational agency:  Hesperia Unified School District		Contact name and Title: Laura Carevic Director, Fiscal Services				Contact person's e-mail address: Laura.carevic@hesperia.usd.org		
Address: (City) (State) (ZIP) 15576 Main Street Hesperia CA 92345		Phone (and extension, if necessary): 760-244-4411, ext. 7221 Fax number: 760-244-4604						
Period of request: (month/day/year) From: July 1, 2012 To: June 30, 2014		Local board approval date: (Required) June 18, 2012						
<b>LEGAL CRITERIA</b>								
<p>1. Authority for the waiver: <u>    </u> Specific code section: <u>  X  </u>          Write the <i>EC</i> Section citation, which allows you to request, or authorizes the waiver of the specific <i>EC</i> Section you want to waive. 41382. The principal of any elementary school maintaining kindergarten classes or regular day classes in grades 1 to 3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376, 41378, or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendation, or the adoption of such resolution, the governing board shall make application to the State Board of Education on behalf of the school for an exemption for such classes from the specified provisions. The State Board of Education shall grant the application if it finds that the specified provisions of Section 41376, 41378, or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provision of such sections.</p>								
<p>2. <i>Education Code</i> or <i>California Code of Regulations</i> or portion to be waived.          Section to be waived: (number) 41376 Circle One: <u>EC</u> or CCR          Brief Description of the topic of the waiver: Class Size</p>								
<p>3. If this is a renewal of a previously approved waiver, please list Waiver No: 12-10-2010-W-1 and date of SBE approval February 10, 2011.          Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.</p>								
<p>4. Collective bargaining unit information. (Not necessary for <i>EC</i> 56101 waivers)          Does the district have any employee bargaining units? <u>  </u> No <u>  X  </u> Yes If yes, please complete required information below:          Bargaining unit(s) consulted on date(s):           Name of bargaining units and representative(s) consulted: Hesperia Teachers Association (Tom Kerman, President) and Classified Schools Employee Association (Mary Paolini, President)          The position(s) of the bargaining unit(s): X CSEA Neutral X HTA Support <u>    </u> Oppose (<i>Please specify why</i>)           Comments (if appropriate):</p>								

5. Advisory committee or school site council that reviewed the waiver. Name: District Advisory Committee (DAC)

Per EC 33051(a) if the waiver affects a program that requires a school site council that council must **approve** the request.  
Date advisory committee/council reviewed request: June 6, 2012

\_\_\_ Approve X\_ Neutral \_\_\_ Oppose

Were there any objection? Yes X\_ No \_\_\_ (If there were objections please specify) They don't like the idea of larger class sizes but they understand why it is necessary

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**

SW-1 (Rev. 10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

**41376.** The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

~~(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class.~~

~~For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.~~

~~(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.~~

~~(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.~~

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

*This waiver allows the district to adjust class size to meet the flexibility provided in out CBA with our teachers association as recommended by the Fact Finding panel and match FTE's to available budget resources. Approval of this waiver is critical to the district's ability to meet its difficult financial obligations.*

8. Demographic Information:

*Hesperia Unified School District* has a student population of 21,132 and is located in the city of Hesperia in San Bernardino County.

<p><b>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</b>   X_ No   __ Yes (If yes, please attach explanation or copy of audit finding)</p> <p><b>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</b>   X_ No   __ Yes (If yes, please attach explanation or copy of CPM finding)</p>		
<p><b>District or County Certification</b> – <i>I hereby certify that the information provided on this application is correct and complete.</i></p>		
Signature of Superintendent or Designee:	Title: Assistant Superintendent, Business	Date:
Signature of SELPA Director (only if a Special Education Waiver)		Date:
<p><b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b></p>		
Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:





## **Hesperia Unified School District Fiscal Services Memo**

Laura Carevic, Director, Fiscal Services  
760-244-4411, ext. 7221

To: Stel Cordano, Consultant  
Dept. of Education, School Fiscal Services Division

From: Laura Carevic, Director, Fiscal Services

Cc: David McLaughlin, Assistant Superintendent, Business

Date: September 5, 2012

Subject: Specific Class Size Waiver

The Hesperia Unified School District has submitted a renewal of the Specific Class Size Waiver for the 2012/13 and 2013/14 fiscal years. The district is requesting the State Board of Education approve the Specific Waiver of Class Size in grades K-3 to an average class size not to exceed 32 students and a maximum class size of 34. If the waiver is not approved, the financial penalties imposed on the district would be substantial and would have a detrimental effect on the district's operations and ability to maintain and improve instruction in all core subjects, including math and reading.

Sincerely,

Laura Carevic  
Director, Fiscal Services

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**

SW-1 (Rev. 10-2-09 <http://www.cde.ca.gov/re/lr/wr/>)

First Time Waiver: X

Renewal Waiver:     

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

						CD CODE											
						3	0	6	6	5	3	0					
Local educational agency:  Huntington Beach City School District						Contact name and Title: Jon M. Archibald Asst. Superintendent, Admin. Services						Contact person's e-mail address: jarchibald@hbcasd.us					
Address: (City) (State) (ZIP)						Phone (and extension, if necessary): (714) 378-2050 Fax number: (714) 964-2993											
20451 Cramer Lane Huntington Beach CA 92646																	
Period of request: (month/day/year)  From: July 1, 2012 To: June 30, 2014						Local board approval date: (Required)  May 15, 2012											

**LEGAL CRITERIA**

1. Authority for the waiver: Ed Code Specific code section: 41382  
 Write the *EC* Section citation, which allows you to request, or authorizes the waiver of the specific *EC* Section you want to waive.

41382. The principal of any elementary school maintaining kindergarten classes or regular day classes in grades 1 to 3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376, 41378, or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendation, or the adoption of such resolution, the governing board shall make application to the State Board of **Education** on behalf of the school for an exemption for such classes from the specified provisions. The State Board of **Education** shall grant the application if it finds that the specified provisions of Section 41376, 41378, or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provision of such sections.

2. *Education Code* or *California Code of Regulations* or portion to be waived.  
 Section to be waived: 41376(a)(c) and (d) Circle One: EC or CCR

Brief Description of the topic of the waiver: Class sizes in grades 1st through 3rd

3. If this is a renewal of a previously approved waiver, please list Waiver No:          and date of SBE approval           
 Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.

4. Collective bargaining unit information. (Not necessary for *EC* 56101 waivers)

Does the district have any employee bargaining units?    No X Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): Huntington Beach Elementary Teachers Association (HBETA) (CTA) was consulted on May 7, 2012. California School Employees Association, Chapter 316 (CSEA) was consulted on May 7, 2012.

Name of bargaining units and representative(s) consulted: HBETA – Trion Carter, President and CSEA – Mark Francovig, President

The position(s) of the bargaining unit(s): X Neutral    Support    Oppose (Please specify why)

Comments (if appropriate):

5. Advisory committee or school site council that reviewed the waiver. Name: All Elementary school site councils reviewed the waiver.

Per EC 33051(a) if the waiver affects a program that requires a school site council that council must **approve** the request.

Date advisory committee/council reviewed request: Eader Elementary School (May 14, 2012), Hawes Elementary School (May 14, 2012), Huntington Seacliff Elementary School (May 14, 2012), Moffett Elementary School (May 11, 2012), Perry Elementary School (May 09, 2012), Peterson Elementary School (May 11, 2012), Smith Elementary School (May 14, 2012).

☒ Approve    ☐ Neutral    ☐ Oppose

Were there any objection? Yes ☐ No ☒ (If there were objections please specify)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

41376. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: ~~(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.~~ (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. ~~(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.~~ (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

The district requests a waiver to increase district-wide average number of pupils per each full-time equivalent (FTE) teacher in Grades 1-3 to 32 pupils per FTE. The current class size averages in EC 41376 are more restrictive than the district collective bargaining agreement. We do not seek an increase in class size maximums.

During this very difficult budget crisis facing California school districts, it's important that Huntington Beach City School District receive this waiver to limit any further program reductions and continue to provide quality service for our students. Our staffing reality will be less than a district-wide average of 32 pupils per FTE because the district collective bargaining agreement will be more restrictive. We estimate additional funding reductions of approximately \$250,000 annually if this waiver isn't approved.

Given the extremely challenging fiscal environment presently facing all California schools and the specific financial circumstances described above, the continued ability to maintain the delivery of instruction and required program offerings in all core subjects, including reading and mathematics, will be seriously compromised by the financial penalties the district would otherwise incur without the requested waiver. The class size penalty provisions of Education Code section 41376 will, if not waived, prevent the district from developing more effective educational programs to improve instruction in reading and mathematics in the classes specified in the district's application.

8. Demographic Information:  
The Huntington Beach City School District has a K-8 student population of 7,171 and is located in a small city in Orange County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**  X  No \_\_\_ Yes  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?**  X  No \_\_\_ Yes  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title: Assistant Superintendent Administrative Services	Date:  May 15, 2012
Signature of SELPA Director (only if a Special Education Waiver)		Date:

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**

SW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>

First Time Waiver: ☒ **X**

Renewal Waiver: ☐

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE					
Local educational agency:  Maple School District		Contact name and Title:  Shayleen Harte - Superintendent				Contact person's e-mail address: shharte@zeus.kern.org	
Address: (ZIP)		(City)		(State)		Phone (and extension, if necessary): 661-746-4439 Fax number: 661-746-4765	
29161 Fresno Ave.		Shafter, CA		93262			
Period of request: (month/day/year)  From: 7/1/11 To: 6/30/12				Local board approval date: (Required)  May 10, 2012			
<b>LEGAL CRITERIA</b>							
1. Authority for the waiver: <input checked="" type="checkbox"/> <b>X</b> Specific code section: <b>EC41382</b> Write the <i>EC</i> Section citation, which allows you to request, or authorizes the waiver of the specific <i>EC</i> Section you want to waive. <b>See Attachment A</b>							
2. <i>Education Code</i> or <i>California Code of Regulations</i> or portion to be waived. Section to be waived: (number) <b>EC 41376(a)(c)(d)</b>  Brief Description of the topic of the waiver: Waiver of the class size penalty for exceeding the following parameters: Grades 1-3: Average class size not to exceed 30 students; no class larger than 32 students.							
3. If this is a renewal of a previously approved waiver, please list Waiver No: <b>N/A</b> and date of SBE approval _____ Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.							
4. Collective bargaining unit information. (Not necessary for <i>EC</i> 56101 waivers)  Does the district have any employee bargaining units? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes, please complete required information below:  Bargaining unit(s) consulted on date(s): April 27, 2012  Name of bargaining units and representative(s) consulted: Maple Elementary School Teachers Association Diane Masi and Sunni Dobbs The position(s) of the bargaining unit(s): <input type="checkbox"/> Neutral <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose ( <i>Please specify why</i> )  Comments (if appropriate):							
5. Advisory committee or school site council that reviewed the waiver. Name: Maple School Site Council  Per <i>EC</i> 33051(a) if the waiver affects a program that requires a school site council that council must <b>approve</b> the request. Date advisory committee/council reviewed request:  <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Neutral <input type="checkbox"/> Oppose  Were there any objection? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If there were objections please specify)							

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**  
SW-1 (Rev. 10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

**See Attachment B**

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

**See Attachment C**

8. Demographic Information:  
(District/school/program) **Maple School District** has a student population of **277 students** and is located in a (*urban, rural, or small city etc.*) **rural area** in **Kern** County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** ☒ No ☐ Yes  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** ☒ No ☐ Yes  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title: Superintendent	Date: May 11, 2012
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Signature of SELPA Director (only if a Special Education Waiver)	Date:
--	-------

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

Attachment A

Item #1 Authority for the Waiver:

EC 41382. The principal of any elementary school maintaining kindergarten classes or regular day classes in grades 1 to 3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376, 41378, or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendation, or the adoption of such resolution, the governing board shall make application to the State Board of Education on behalf of the school for an exemption for such classes from the specified provisions. The State Board of Education shall grant the application if it finds that the specified provisions of Section 41376, 41378, or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provision of such sections.

Attachment B

EC41376 (a)(c) and(d): The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: ~~(a) For grades 1 to 3, inclusive, he shall determine the number of enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.~~ (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. ~~(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2, and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.~~ (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.



## Attachment C

Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations.

The Maple School District is seeking a temporary increase to class size limitations in grades 1 – 3. California Education Code (EC) Section 41376 prescribes the maximum class sizes and penalties for districts with any classes that exceed the limits established in 1964. Grades one through three average class size shall not exceed 30 students, with no class larger than 32 students.

This school year, our single third grade class in the district exceeded the class size maximum by 2 students. We began the year with 31 students in this classroom, but over the course of the year had 3 additional students move into our attendance area with a final count of 34 students. The school did not intend to violate Ed Code but to merely best serve the students in our area.

Without submitting a Specific Class Size Waiver to the State Board of Education requesting to waive portions of California Education Code 41376, the District would be subject to a penalty.

The District is requesting a one-year Specific Waiver of class size for grades 1-3 for 2011-2012. The purpose of the waiver is not to permanently increase class size but to address the one class that exceeded the class size maximum by two. We feel that the District's continued ability to maintain the delivery of instruction and required program offerings in all core subjects, including reading and mathematics, will be seriously compromised by the financial penalties the District would otherwise incur without the requested waiver. With all of the budget cuts, we are currently deficit spending and need to make expenditure reductions to remain fiscally solvent.

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**

First Time Waiver: X

Renewal Waiver:\_\_\_

SW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>

Send Original plus one copy to:

Send Electronic copy in **Word** and

Waiver Office, California Department of Education

back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

1430 N Street, Suite 5602

Sacramento, CA 95814

		CD CODE						
		2	9	6	6	3	4	0
Local educational agency: <b>Nevada City School District</b>		Contact name and Title: <b>Janice Klee, Coordinator of Fiscal Services</b>					Contact person's e-mail address: <b>jkleee@ncsd.k12.ca.us</b>	
Address: (City) (State) (ZIP) <b>800 Hoover Lane Nevada City CA 95959</b>		Phone (and extension, if necessary): <b>530.265.1823</b> Fax number: <b>530.265.1822</b>						
Period of request: (month/day/year) From: <b>7/1/2012</b> To: <b>6/29/2014</b>		Local board approval date: (Required) <b>June 5, 2012</b>						
<b>LEGAL CRITERIA</b>								
1. Authority for the waiver: <b>Education Code 41382</b> Specific code section: <b>41376 through 41382</b> Write the <i>EC</i> Section citation, which allows you to request, or authorizes the waiver of the specific <i>EC</i> Section you want to waive. <b>See Attachment # 1</b>								
2. <i>Education Code</i> or <i>California Code of Regulations</i> or portion to be waived. Section to be waived: <b>EC 41376 (a) (c) (d) and EC 41378</b> Circle One: <del>EC</del> or <i>CCR</i> Brief Description of the topic of the waiver: <b>Waiver of the class size penalty for exceeding the following parameters: Kindergarten: Average class size not to exceed 31 students; no class larger than 33 students. Grades 1-3 : Average class size not to exceed 30 students; no class larger than 32 students</b>								
3. If this is a renewal of a previously approved waiver, please list Waiver No: <b>NA</b> and date of SBE approval _____. Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.								
4. Collective bargaining unit information. (Not necessary for <i>EC</i> 56101 waivers) Does the district have any employee bargaining units? ___ No <input checked="" type="checkbox"/> Yes If yes, please complete required information below: Bargaining unit(s) consulted on date(s): <b>California School Employees Association (CSEA) Chapter 390 May 23, 2012</b> <b>Nevada City Faculty Association (NCFA)- May 11, 2012</b> Name of bargaining units and representative(s) consulted: <b>California School Employees Association (CSEA) Chapter 390- James Lowe</b> <b>Nevada City Faculty Association (NCFA)- Joy Haggart, President</b>  The position(s) of the bargaining unit(s): <b>NCFA/CSEA X</b> Neutral ___ Support ___ Oppose ( <i>Please specify why</i> )								
5. Advisory committee or school site council that reviewed the waiver. Name: <b>May 14, 2012 Deer Creek Elementary School (K-4)</b> Per <i>EC</i> 33051(a) if the waiver affects a program that requires a school site council that council must <b>approve</b> the request. Date advisory committee/council reviewed request:  <b>X</b> Approve ___ Neutral ___ Oppose <b>Site Council Minutes/Memo Attachment #2</b> Were there any objection? Yes <b>X</b> No ___ (If there were objections please specify)								

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**  
SW-1 (Rev. 10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a strike out key if only portions of sections are to be waived). (Attach additional pages if necessary.)  <b>See Attachment # 3</b>		
7. <i>Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)</i>  <b>See Attachment # 4 and # 5</b>		
8. <i>Demographic Information:</i> <b>Nevada City School District has a student population of 925 and is located in a <u>rural</u> (urban, rural, or small city etc.) area in Nevada County.</b>		
<b>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</b> X No    ___ Yes (If yes, please attach explanation or copy of audit finding)		
<b>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</b> X No    ___ Yes (If yes, please attach explanation or copy of CPM finding)		
<b>District or County Certification</b> – <i>I hereby certify that the information provided on this application is correct and complete.</i>		
Signature of Superintendent or Designee: <b>Roxanne Gilpatric</b>	Title: <b>Superintendent</b>	Date: <b>June 5, 2012</b>
Signature of SELPA Director (only if a Special Education Waiver)		Date:
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

### Specific Waiver Request

#### Attachment #1 - Application Section 1 - Authority for the waiver

EC 41382 - The principal of any elementary school maintaining Kindergarten classes or regular day classes in grades 1-3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376, 41378 or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendations, or the adoption of such resolution, the governing board shall make application to the State Board of Education on behalf of the school for an exemption for such classes from the specified provisions. The State Board of Education shall grant the application if it finds that the specified more effective educational programs to improve instruction in reading and mathematic provisions of Section 41376, 41378 or 41379 prevent the school from developing s for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provisions of such sections.

## Attachment #2 May 14, 2012

Statement of objection: The Deer Creek School Site Council recognizes that increasing class size is a budgetary necessity. However, we object to such increases because of their impact on student learning. We request a reduction in class size be considered in the event that changes in budget going forward allow.

Emily Fevinger recommended that we look into what class sizes would be if we did not have combination classes. Erika Clawson said she would run the numbers.

### SPECIFIC WAIVER REQUEST

Question #6  
Attachment # 3  
Education Code Waived

EC 41378. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes. (a) ~~The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class. (b) The total number of pupils which are in excess of thirty three (33) in each class having an enrollment of more than thirty three (33). (c) The total number of pupils by which the average class size in the district exceeds 31. (d) The greater number of pupils as determined in (b) or (c) above. (e) He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (d) of this section by ninety-seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

EC 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) ~~For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.~~

Specific Waiver  
Question # 7  
Attachment # 4

The Nevada City School District is seeking to temporarily increase class size in grades K-3 in order to provide flexibility in staffing and reduce expenditures during this period of severely reduced revenue. The district faces a \$329,296 budget shortfall for 2012/13 and a \$304,414 budget shortfall for 2013/14 (see attachment # 5) due to the State budget crisis and sharp revenue reductions. **In fact, as of the 2011-2012 Second Interim Report, the District received a “negative” fiscal certification.** We closed a school in 2009/10 and repurposed another school in 2010/11. In lieu of the looming 2012-2013 budget deficit, the Nevada City School District has made deep cuts to staffing including a 10.1 FTE reduction in certificated teachers from 11/12 staffing levels. Further loss of revenue resources because of penalties without a waiver will result in further reducing our funding. This additional loss of revenues would result in an equal amount of loss in our ability to provide supplemental reading, mathematics and other educational supplies and/or supportive services directly to the classroom within our current financial constraints. Solvency will continue to be problematic for the district as the State of California continues to struggle financially. Our options for local solvency continue to be reduction in school days, larger class size and elimination of programs including, but not limited to, reading and mathematics programs. We have also been facing declining enrollment with students leaving our rural area. Our district and county schools have been in declining enrollment due to the uncertainty of our local economy in conjunction with the state's situation, the district faces possible further reductions in enrollment as families leave the area to seek employment elsewhere. Having this temporary flexibility regarding class size can help the district address specific local and economic conditions. It will also give us the time over the next two years to reassess our fiscal position to lower class sizes.

We are seeking that the class size penalty in kindergarten be waived provided that the overall average is not larger than 33 to one or no class is larger than 35 to one. The waiver is for fiscal years 2012-13 and 2013-14.

We are seeking the class size penalty in grades one through three be waived provided that the overall average is not larger than 33 to one and no class is larger than 35 to one. The waiver is for fiscal years 2012-13 and 2013-14.

Nevada City School District, despite increased class size will continue to stress academic achievement, and support of our educational responsibilities will remain as our primary objective and goal supporting our mission statement:

*The Nevada City School District educates and inspires each student by providing an educational environment in which all students learn and achieve to their full potential. Our educational program is built upon clearly defined standards and uses diverse means of measuring student achievement. We support new, innovative, enriching, and educationally sound programs in response to the needs of our students.*

**Current Enrollment:**

<b>Grade</b>	<b>Students</b>	<b>Teachers</b>	<b>Average Class Size</b>
<b>K</b>	85	3.5	24.29
<b>1</b>	75	3.5	21.43
<b>2</b>	97	4	24.25
<b>3</b>	109	4.5	24.22
<b>Totals</b>	<b>366</b>	<b>15.5</b>	<b>23.61</b>

**Estimated Enrollment:**

<b>Grade</b>	<b>Students</b>	<b>Teachers</b>	<b>Average Class Size</b>
<b>K</b>	75	2.5	30.0
<b>K Total</b>			<b>30.0</b>
<b>1</b>	86	2.5	34.4
<b>2</b>	74	2.5	29.6
<b>3</b>	104	3.0	34.6
<b>1-3 Total</b>	<b>266</b>	<b>8.0</b>	<b>33.25</b>
<b>Totals</b>	<b>339</b>	<b>10.5</b>	<b>32.3</b>

NEVADA CITY SCHOOL DISTRICT  
Second Interim 2011/1  
Resolution No. 1112-26

In submitting the 2011-12 Second Interim Budget and an implementation plan for necessary budget reductions, the Board understands its fiduciary responsibility to maintain fiscal solvency for the current and subsequent two fiscal years.

Due to California's sluggish economic recovery, the uncertain outcome of the Governor's tax initiative, and proposed implementation of trigger reductions for 2012/13, it is recognized that based on a revenue reduction of \$370 per ADA the district will implement \$329,296 in ongoing budget reductions in 2012/13 and an additional \$304,414 reductions in 2013/14 to maintain fiscal solvency.

It is further recognized that the Board will submit a budget reduction plan and implementation timeline of approved ongoing budget reductions for 2012/13.

PASSED AND ADOPTED this 13th day of March, 2012 by the Governing Board of the Nevada City School District, Nevada County, State of California, by the following Roll Call vote:

Gerving, Mizushima, Hill-Weld, Wiser, Campbell

Ayes: 5 Abstained: 0

Noes: 0 Absent: 0

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I hereby certify this is a full, true and correct copy of a resolution duly adopted by the Board of Trustees of the Nevada City School District. Dated: March 13, 2012

---

Paula Campbell, Board President

---

Superintendent, Roxanne Gilpatric

---

Coordinator of Fiscal Services, Janice Klee

27-6-2012

Attachment 15

Page 1 of 3

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**

SW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>

First Time Waiver:   X  

Renewal Waiver:       

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		5	6	7	2	5	2	0
Local educational agency: Ojai Unified School District		Contact name and Title: Dannielle Pusatere Assistant Superintendent					Contact person's e-mail address: dpusatere@ojai.k12.ca.us	
Address: (City) (State) (ZIP)  PO Box 878, Ojai, CA 93024		Phone (and extension, if necessary): 805-640 – 4300 X 1011 Fax number: 805 640-4319						
Period of request: (month/day/year)  From: 07-01-12 To: 06-29-14		Local board approval date: (Required)  June 26, 2012						
<b>LEGAL CRITERIA</b>								
1. Authority for the waiver: <u>EC 41382</u> Specific code section: <u>41376 (a) (c) (d)</u> Write the <i>EC</i> Section citation, which allows you to request, or authorizes the waiver of the specific <i>EC</i> Section you want to waive.								
2. <i>Education Code</i> or <i>California Code of Regulations</i> or portion to be waived. Section to be waived: <u>41376 (a)(c) and (d)</u> Circle One: <u>EC</u> or CCR  Brief Description of the topic of the waiver: <u>Class size penalties grades K - 3</u>								
3. If this is a renewal of a previously approved waiver, please list Waiver No: _____ and date of SBE approval _____ Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.								
4. Collective bargaining unit information. (Not necessary for <i>EC</i> 56101 waivers)  Does the district have any employee bargaining units? <u>  No  </u> <u>  X  </u> Yes If yes, please complete required information below:  Bargaining unit(s) consulted on date(s): <u>  June 1, 2012  </u>  Name of bargaining units and representative(s) consulted: <u>  Ojai Federation of Teachers – the President of the Union  </u>  The position(s) of the bargaining unit(s): <u>      </u> Neutral <u>  X  </u> Support <u>      </u> Oppose ( <i>Please specify why</i> )  Comments (if appropriate):								
5. Advisory committee or school site council that reviewed the waiver. Name: <u>School Site Councils for all District Elementary Schools - Meiners Oaks, Mira Monte, San Antonio, Summit, and Topa Topa</u>  Per <i>EC</i> 33051(a) if the waiver affects a program that requires a school site council that council must <b>approve</b> the request. Date advisory committee/council reviewed request: <u>  June 6-12, 2012  </u>  <u>  X  </u> Approve <u>      </u> Neutral <u>      </u> Oppose  Were there any objection? Yes <u>      </u> No <u>  X  </u> (If there were objections please specify)								



CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**  
SW-1 (Rev. 10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

**This is the language that should be cited in Item 6 "EC to be waived".**

**Please see Attachment A citing the Education Code Section requesting to be waived.**

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

Due to the extremely challenging fiscal environment, the Ojai Unified School District (OUSD) has significantly reduced expenditures to meet the lower revenues allocated by the State. Five years ago, the District reduced non-core classes and staff, such as art, music, transportation, custodial, libraries and labs to make up the shortfall. However during the 2010-11 and 2011-12 school years, the District found it necessary to reduce K-3 CSR, implement furlough days and tighten up the regular education student to teacher ratios based upon enrollment projections. For the 2012-13 school year, the State fiscal crisis still continues and the District needs to balance its budget. Currently, the District estimates that if the waiver is not approved the district could incur a penalty of \$105,602.

The Ojai Unified School District is requesting the State approve the specific waiver of class size in grades K-3 to an average class size not to exceed 33 students and a maximum class size of 35. If the waiver is not approved, the financial penalties imposed would have a detrimental effect on the District's operations and ability to maintain and improve instruction in all core subjects, including reading and mathematics.

8. Demographic Information:  
(District/school/program) Ojai Unified has a student population of 2,935 and is located in a (urban, rural, or small city etc.) in Ventura County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** ☒ No ☐ Yes  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** ☒ No ☐ Yes  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:	Title: Superintendent	Date: 5-29-2012
Signature of SELPA Director (only if a Special Education Waiver)		Date:

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

Staff Name (type or print):	Staff Signature:	Date:
Unit Manager (type or print):	Unit Manager Signature:	Date:
Division Director (type or print):	Division Director Signature:	Date:
Deputy (type or print):	Deputy Signature:	Date:

Ojai Unified School District (CDS 56-72520) – CDE Specific Waiver Request

Attachment A

Item #6 - Education Code to be waived

EC 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) ~~For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.~~ (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. ~~(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.~~

EC 41378. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes. (a) ~~The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class.~~ (b) ~~The total number of pupils which are in excess of thirty-three (33) in each class having an enrollment of more than thirty-three (33).~~ (c) ~~The total number of pupils by which the average class size in the district exceeds 31.~~ (d) ~~The greater number of pupils as determined in (b) or (c) above. (e) He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (d) of this section by ninety-seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**

SW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>

Send Original plus one copy to:

Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

First Time Waiver:\_\_\_

Renewal Waiver:\_\_\_

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		3	3	6	7	1	8	1
Local educational agency:  PALO VERDE UNIFIED SCHOOL DISTRICT		Contact name and Title:  BOB BILEK, Acting Superintendent				Contact person's e-mail address: bbilek@pvusd.us		
Address: (City) (State) (ZIP)  295 N. First St. Blythe CA 92225		Phone (and extension, if necessary): (760) 922-4164 x1232 Fax number: (760) 922-8416						
Period of request: (month/day/year)  From: July 1, 2011 To: June 30, 2012		Local board approval date: (Required)  05/15/2012						
<b>LEGAL CRITERIA</b>								
1. Authority for the waiver: ___ Specific code section: ___ Write the <i>EC</i> Section citation, which allows you to request, or authorizes the waiver of the specific <i>EC</i> Section you want to waive. <b>EC 41382</b>								
2. <i>Education Code</i> or <i>California Code of Regulations</i> or portion to be waived. Section to be waived: (number) 41382 Circle One: <b>EC</b> or <del>CGR</del>								
3. If this is a renewal of a previously approved waiver, please list Waiver No: _____ and date of SBE approval _____. Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.								
4. Collective bargaining unit information. (Not necessary for <i>EC</i> 56101 waivers)  Does the district have any employee bargaining units? ___ No ___x___ Yes If yes, please complete required information below:  Bargaining unit(s) consulted on date(s): May 9, 2012  Name of bargaining units and representative(s) consulted: Mary Roberson, PVTA President  The position(s) of the bargaining unit(s): ___x___ Neutral ___ Support ___ Oppose ( <i>Please specify why</i> )  Comments (if appropriate):								
5. Advisory committee or school site council that reviewed the waiver. Name: Margaret White Elementary School Site Council Per <i>EC</i> 33051(a) if the waiver affects a program that requires a school site council that council must <b>approve</b> the request. Date advisory committee/council reviewed request:  ___x___ Approve ___ Neutral ___ Oppose  Were there any objection? Yes ___ No ___x___ (If there were objections please specify)								

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**  
SW-1 (Rev. 10-2-09)

<p>6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a <b>strike out key</b> if only portions of sections are to be waived). (Attach additional pages if necessary.)</p> <p>A request to waive SC41382 Sections 41376, 41378, and 41379 for two third grade classes that exceed class size limits.</p>		
<p>7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)</p> <p>To waive the class size limits so that the district does not incur class size penalties. Collapsing classes at this time and moving students to other classes will not benefit student achievement.</p> <p>The Palo Verde Unified School District is requesting the State Board of Education approve the specific waiver of class size in grades 1-3 to an average class size not to exceed 30 students and a maximum class size of 35. If the waiver is not approved, the financial penalties imposed on the district would have a very detrimental effect on the district's operations and ability to maintain instruction in core subjects, including reading and math. Without the approval of the waiver, the district will be assessed a penalty in the amount of \$78,262.</p> <p>A class size average situation occurred in part due to the district's effort to provide for the parent wishes and student need as a result of special education necessities and the ability and credentials of two teachers required to meet the student need. That situation has been resolved and will not be repeated in future years.</p>		
<p>8. Demographic Information: <i>Palo Verde Unified School District</i> has a student population of 3,298.96 and is located in Blythe, California, a rural city in Riverside County, California.</p>		
<p><b>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If yes, please attach explanation or copy of audit finding)</p> <p><b>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If yes, please attach explanation or copy of CPM finding)</p>		
<p><b>District or County Certification</b> – <i>I hereby certify that the information provided on this application is correct and complete.</i></p>		
Signature of Superintendent or Designee:	Title: Acting Superintendent	Date: May 15, 2012
Signature of SELPA Director (only if a Special Education Waiver)		Date:
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

## Specific Waiver

### 6. Education Code or California Code of Regulations section to be waived.

#### Grades 1 -3

EC 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: ~~(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.~~ (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. ~~(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.~~ (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**

SW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>

First Time Waiver: ☒ X

Renewal Waiver: ☐

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		6	0	0	5	6	3	1
Local educational agency: Pioneer Union School District		Contact name and Title: Linda Himmel – CFO Richard Williams – Superintendent				Contact person's e-mail address:lhimmel@ pioneer.k12.ca.us		
Address: (City) (State) 6862 Mt. Aukum Rd. Somerset, CA 95684		Phone (and extension, if necessary): 530-620-3556, Ext. 216 Fax number: 530-620-4932						
Period of request: (month/day/year) From: July 1, 2012 To: June 30, 2013		Local board approval date: (Required) June 28, 2012						

### LEGAL CRITERIA

- Authority for the waiver: **EC 41342** Specific code section: 41376, 41378, 41379  
 Write the *EC* Section citation, which allows you to request, or authorizes the waiver of the specific *EC* Section you want to waive.  
**EC 41382. The principal of any elementary school maintaining kindergarten classes or regular day classes in grades 1 to 3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376, 41378, or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendation, or the adoption of such resolution, the governing board shall make application to the State Board of Education on behalf of the school for an exemption for such classes from the specified provisions. The State Board of Education shall grant the application if it finds that the specified provisions of Section 41376, 41378, or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provision of such sections.**
- Education Code or California Code of Regulations or portion to be waived.*  
 Section to be waived: (number) 41376 & 41378 Circle One: EC or CCR  
 Brief Description of the topic of the waiver:  
**The District is requesting a waiver of the maximum class size and class size averages for grades K and 1-3 under Education Code 41376 & 41378**  
**The district is requesting K-3 class size averages of 38 with a maximum class size of 38.**
- If this is a renewal of a previously approved waiver, please list Waiver No: \_\_\_\_\_ and date of SBE approval \_\_\_\_\_.  
 Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.
- Collective bargaining unit information. (Not necessary for *EC* 56101 waivers)  
  
 Does the district have any employee bargaining units? ☐ No ☒ Yes If yes, please complete required information below:  
 Bargaining unit(s) consulted on date(s): 06/04/12  
 Name of bargaining units and representative(s) consulted: **Pioneer Faculty Association**  
 Tim Haboush, Certificated Representative  
 The position(s) of the bargaining unit(s): ☐ Neutral ☒ Support ☐ Oppose (*Please specify why*)  
 Comments (if appropriate):  
**District Comment:** Pioneer Faculty Association contract language does not address class size(s)  
**Association Comment:**  
 Despite the Association's previous attempts/desires to add class size language to the contract.  
 The Pioneer Faculty Association supports this waiver with the understanding that teachers whose individual class size exceeds 32 students will be given a classroom aide for a minimum of 3 hours per day.

5. Advisory committee or school site council that reviewed the waiver. Name: See comment below.  
Per EC 33051(a) if the waiver affects a program that requires a school site council that council must **approve** the request.  
Date advisory committee/council reviewed request:  
\_\_\_ Approve \_\_\_ Neutral \_\_\_ Oppose  
Were there any objection? Yes \_\_\_ No \_\_\_ (If there were objections please specify)

**Comment:**

No site council approval is required for this waiver request. However, the superintendent has been in contact with the 3 parents on the site council and two of them are in support of this waiver and one is neutral. The teachers on the site council are also in support of this waiver. The district has made considerable effort to inform all stakeholders of the financial issues impacting our schools and how this will affect the class sizes. Class size configurations were discussed at length at the January 12, 2012, regularly scheduled board meeting. Some parents, teachers and support staff attended the meeting and were encouraged to voice their concerns about the choices presented. A lengthy discussion was had to discuss the pros and cons of each configuration. While all parties would prefer to keep class sizes smaller it was decided to be in the best interest of students to avoid combination grade classes, resulting in the potential of one or more single grade classrooms having over 33 students.

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

EC 41378. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes. ~~(a) The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class. (b) The total number of pupils which are in excess of thirty three (33) in each class having an enrollment of more than thirty three (33). (c) The total number of pupils by which the average class size in the district exceeds 31. (d) The greater number of pupils as determined in (b) or (c) above. (e) He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (d) of this section by ninety-seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

EC 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: ~~(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.~~

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

The Pioneer Union School District has worked diligently to provide an exceptional learning environment for our students. We have explored every possible resource in an effort to maintain staffing and programs. Should the District incur financial penalties for exceeding class size requirements it would have a devastating impact on our ability to continue to provide quality instruction in all core subjects, including reading and mathematics.

The District is currently projecting the following class sizes for K-3 in 2012/13:

Kindergarten - 1 class @ 22  
Grade 1 - 1 class @ 23  
Grade 2 - 1 class @ 23  
Grade 3 - 1 class @ 35

The district is a very small school district in rural El Dorado County serving grades K-8. The district has 3 schools; Pioneer Elementary School, Mountain Creek Middle School and a necessary small school, Walt Tyler Elementary. Pioneer Elementary has enrollment projections for the 2012/13 school year consisting of 132 students and 1 class per grade level in grades K-5. Due to the District's small size the slightest fluctuation in students has a critical impact on class sizes. CBEDS enrollment has declined from 751 in 1992 to 342 in 2011, or 54%. The percent of declined has not been consistent ranging from 5.8% in 2009, 1.5% in 2010 and 13.9% in 2011.

The District is aware a waiver is not currently needed for kindergarten. However, based upon the current fluctuation of students coupled with erratic historical comparisons of birth rates to kindergarten enrollment it is uncertain at this time if we could maintain class sizes below the required level for 2012-13. While comparing local birth rates to CBEDS enrollments for kindergarteners we have experienced fluctuations ranging from 79% to 168%, making it almost impossible to predict kindergarten enrollment for the upcoming year. Therefore, the District is requesting a waiver for Kindergarten class sizes for the 2012-13 school year.

The District has incurred revenue limit funding deficits of 4% in 2008/09 to over 22% estimated for the budget year 2012/13. The budget year revenue limit funding is estimated, at best, to remain at the 2011/12 level. The district is also planning for a worst case scenario should the Governor's November 2012 tax initiative not pass thereby reducing the district revenue limit by an additional \$441 per ADA. These deficits do not include additional funding losses from categorical programs or address the affects of funding deferrals.

The District reduced expenditures in 2009/10 & 2010/11, 2011/12 by 12%, 4%, 3%, respectively. Expenditures for the 2012/13 as also expected to decline. However, every effort will be made to maintain as many teachers as possible and continue to provide effective student programs and uncompromised safety.

Additional funding losses from penalties resulting from EC 41376 and 41378 will prevent the school from continuing to offer effective educational programs to improve instruction in reading and mathematics to all learners. Approval of this waiver is crucial to continue to provide vital core programs and services for every student at Pioneer Union School District.

The district is requesting K-3 class size averages of 38 with a maximum class size of 38. These requested class size adjustments allow for minimal growth should it occur.

The potential cost if this waiver is not approved is \$38 751 to the district

8. Demographic Information:

**Pioneer Union School District located in rural El Dorado County with a student population of 342 students.**

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** ☒ No ☐ Yes  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** ☒ No ☐ Yes  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:

Title:

Date:

Superintendent



Signature of SELPA Director (only if a Special Education Waiver)		Date:
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**

SW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>

First Time Waiver: ☒ X

Renewal Waiver: ☐

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		5	0	7	1	2	8	2
Local educational agency:  Stanislaus Union Elementary School District		Contact name and Title:  Sandy Putnam, Chief Business Official				Contact person's e-mail address: sputnam@stanunion.k12ca.us		
Address: (City) (State) (ZIP) 2410 Janna Avenue Modesto CA 95350		Phone (and extension, if necessary): (209) 529-9546 x1000 Fax number: (209) 578-4775						
Period of request: (month/day/year) From: 6/1/11 To: 7/1/12		Local board approval date: (Required) 5/17/12						
<b>LEGAL CRITERIA</b>								
1. Authority for the waiver: <u>EC</u> Specific code section: <u>41382</u> Write the EC Section citation, which allows you to request, or authorizes the waiver of the specific EC Section you want to waive.								
2. <i>Education Code</i> or <i>California Code of Regulations</i> or portion to be waived. Section to be waived: (number) <u>41376</u> Circle One: <u>EC</u> or CCR  Brief Description of the topic of the waiver: Waiver requested for exceeding class size of 30 average pupils per class, total excess enrollment of 22.								
3. If this is a renewal of a previously approved waiver, please list Waiver No: <u>N/A</u> and date of SBE approval _____ Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.								
4. Collective bargaining unit information. (Not necessary for EC 56101 waivers)  Does the district have any employee bargaining units? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes, please complete required information below:  Bargaining unit(s) consulted on date(s): <u>5/11/12</u>  Name of bargaining units and representative(s) consulted: <u>SUTA-Stanislaus Union Teachers' Association, Sheila Marable, President; CSEA-California School Employees Association, Cathy Hudson, President</u>  The position(s) of the bargaining unit(s): <input type="checkbox"/> Neutral <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose ( <i>Please specify why</i> )  Comments (if appropriate):								
5. Advisory committee or school site council that reviewed the waiver. Name: <u>Budget Advisory Committee</u>  Per EC 33051(a) if the waiver affects a program that requires a school site council that council must <b>approve</b> the request. Date advisory committee/council reviewed request: <u>May 18, 2012</u>  <input checked="" type="checkbox"/> X Approve <input type="checkbox"/> Neutral <input type="checkbox"/> Oppose  Were there any objection? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> X (If there were objections please specify)								

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**  
SW-1 (Rev. 10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a <b>strike out key</b> if only portions of sections are to be waived). (Attach additional pages if necessary.)  EC 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (3) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.		
7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)  The desired outcome of this request is that CDE approve our waiver request in regards to the 2011-12 Grades 1-3 Excess Enrollment situation. The district is attempting to maximize its funding while maintaining a quality educational program. We believe that this excess enrollment situation does not impede our educational delivery.		
8. Demographic Information: (District/school/program) _____ has a student population of _____ and is located in a _____ (urban, rural, or small city etc.) _____ in _____ Stanislaus _____ County.		
<b>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If yes, please attach explanation or copy of audit finding)		
<b>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If yes, please attach explanation or copy of CPM finding)		
<b>District or County Certification</b> – I hereby certify that the information provided on this application is correct and complete.		
Signature of Superintendent or Designee:  Sandy Putnam	Title:  Chief Business Official	Date:  7/2/12
Signature of SELPA Director (only if a Special Education Waiver)		Date:
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name (type or print):	Staff Signature:	Date:
Unit Manager (type or print):	Unit Manager Signature:	Date:
Division Director (type or print):	Division Director Signature:	Date:
Deputy (type or print):	Deputy Signature:	Date:

**Specific Waiver**

**6. Education Code or California Code of Regulations section to be waived.**

**Grades 1 -3**

EC 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) ~~For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.~~ (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. ~~(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.~~

Responses to Listed Items from Stel Cordano, 7/9/12, in regards to the Specific Waiver for Stanislaus Union School District's Excess Enrollment for 2011-12:

- 2) The district exceeded the limit as we grappled with our fiscal solvency status during these difficult economic years and the reduced funding we are experiencing in so many areas. We sought to enroll students across our various school sites to balance our class loads without having to add another class at a grade level thus saving funding.
- 3) With our P-2 CSR form (copy attached) we had an average number of pupils for Grades 1-3 per class of 30.4. The standard for Grades 1-3 is 30.0.
- 4) If the waiver is not granted, the fiscal impact on the district is that we would be even more constrained in our support of all of our programs including our core subjects. The funding loss would come from the Unrestricted side of the budget which is where the former Tier 3 state programs' funding is now received. When these funds were Restricted, they were targeted for core subjects as well as supplemental. Now that they are Unrestricted, they are stretched very thin to meet our instructional needs, especially in Core subjects, as well as basic district operational costs. Any reduction would have a very negative impact.

Sandy Putnam, CBO  
Stanislaus Union School District  
209-529-9546 x1000

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**

SW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>

First Time Waiver ☒ X

Renewal Waiver: ☐

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		3	9	7	5	4	9	9
Local educational agency:  Tracy Joint Unified School District		Contact name and Title: Casey Goodall Associate Superintendent of Business				Contact person's e-mail address: cgoodall@tusd.net		
Address: (City) (State) (ZIP) 1875 West Lowell Avenue, Tracy CA 95376		Phone (and extension, if necessary): (209) 830-3200 Fax number: (209) 830-3239						
Period of request: (month/day/year) From: <b>7/1/2011</b> To: <b>6/29/2012</b>				Local board approval date: (Required) 05/22/2012				
<b>LEGAL CRITERIA</b>								
1. Authority for the waiver: <input checked="" type="checkbox"/> X Specific code section: <u>EC 41376</u> Write the EC Section citation, which allows you to request, or authorizes the waiver of the specific EC Section you want to waive. <b>EC 41376 Exemption from penalty provision: Application to State Board of Education</b>								
2. <i>Education Code</i> or <i>California Code of Regulations</i> or portion to be waived. Section to be waived: (number) EC 41376 (a)(c) Circle One: ( <i>EC</i> ) or <i>CCR</i> Brief Description of the topic of the waiver: Waiver of class size penalties for grades 1-3. Under the provisions of Education Code Sections 41376 (a), (c)								
3. If this is a renewal of a previously approved waiver, please list Waiver No: _____ and date of SBE approval _____ Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.								
4. Collective bargaining unit information. (Not necessary for EC 56101 waivers) Does the district have any employee bargaining units? <input type="checkbox"/> No <input checked="" type="checkbox"/> X Yes If yes, please complete required information below: Bargaining unit(s) consulted on date(s): 05/09/2012 Name of bargaining units and representative(s) consulted: Tracy Educator's Association, John Anderson-President The position(s) of the bargaining unit(s): <input type="checkbox"/> Neutral <input checked="" type="checkbox"/> X Support <input type="checkbox"/> Oppose (Please specify why) Comments (if appropriate): The maximum class sizes are compatible with limitations set in the bargaining unit master agreement, though overages are paid to teachers.								
5. Advisory committee or school site council that reviewed the waiver. Name: The Fiscal Response Team Per EC 33051(a) if the waiver affects a program that requires a school site council that council must <b>approve</b> the request. Date advisory committee/council reviewed request: 05/11/2012 <input checked="" type="checkbox"/> X Approve <input type="checkbox"/> Neutral <input type="checkbox"/> Oppose								

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**  
SW-1 (Rev. 10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) ~~For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.~~ (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) ~~He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.~~ (d) ~~If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.~~

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

Tracy Unified School District faces severe fiscal challenges from persistent state funding reductions. At the same time, the District has worked to enhance and strengthen core academic programs for our students. One strategy to manage staffing costs while maintaining effective programs is to carefully hire and assign staff to very closely match anticipated enrollment levels. At the beginning of the 2011/12 school year, enrollment exceeded capacity in several 1<sup>st</sup> grade through 3<sup>rd</sup> grade classrooms in our higher performing schools. The alternative was to displace students from schools with high API scores to program improvement (PI) schools that had available capacity.

At the time, and based on past experience of students transience, it seemed likely that enough students would move away to correct the problems. However, unlike in previous years, no student's families moved during the school year.

Decreases of the average daily attendance imposed because class sizes exceeded limits imposed by EC 41376 is estimated to be \$ 296,400 for the 2011/12 school year. This loss of revenue would result in further impacts to core academic programs such as reading mathematics and science. Tracy Unified's goal is to improve academic achievement while continuing to respond to severe fiscal challenges. We respectfully request that this waiver be granted and that class size penalties not be imposed.

Specifically, Tracy Unified School District is requesting that the maximum class size in any individual class be increase to 34 students for the 2011-12 school year. There is no need to waive the average class size for the districts as the current average of 27.5 is within the current standard

8. Demographic Information:

**Tracy Joint Unified School District** has a student population of **15972** and is located in a small city in **San Joaquin** County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** ☒ No ☐ Yes  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** ☒ No ☐ Yes  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:

Title:

Associate Superintendent of Business Services

Date:

Signature of SELPA Director (only if a Special Education Waiver)

Date:

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

Staff Name (*type or print*):

Staff Signature:

Date:

Unit Manager (*type or print*):

Unit Manager Signature:

Date:

Division Director (*type or print*):

Division Director Signature:

Date:

Deputy (*type or print*):

Deputy Signature:

Date:

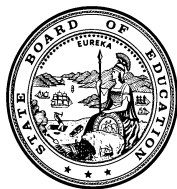




# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM W-13**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### ☒ General Waiver

##### SUBJECT

Request by eight districts to waive portions of California *Education Code* Section 41376 (b) and (e), relating to class size penalties for grades four through eight. A district's current class size maximum is the greater of the 1964 statewide average of 29.9 to one or the district's 1964 average.

##### Waiver Numbers:

Chawanakee Unified School District 35-6-2012  
Desert Sands Unified School District 16-5-2012  
Garden Grove Unified School District 23-6-2012  
Glendora Unified School District 15-5-2012  
Nevada City Elementary School District 14-6-2012  
Ojai Unified School District 26-6-2012  
Orange Center Elementary School District 53-4-2012  
Temple City Unified School District 17-6-2012

☒ Action

☒ Consent

#### RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education recommends that the class size penalty in grades four through eight be waived provided the class size average is not greater than the recommended new maximum average shown on Attachment 1 for each district. These waivers do not exceed two years less one day, therefore, *Education Code (EC)* Section 33051(b) will not apply, and the districts must reapply to continue the waiver.

#### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Since September 2009, the State Board of Education (SBE) has approved all grades four through eight class size penalty waiver requests. Before the September 2009 board meeting, no waivers had been submitted since 1999.

#### SUMMARY OF KEY ISSUES

The various districts listed on Attachment 1 request a waiver of subdivisions (b) and (e) of *EC* Section 41376, which relates to class size penalties for grades four through eight that reduce a district's revenue limit funding. A class size penalty is assessed for grades four through eight if a district exceeds the greater of the district's class size average in 1964 or the statewide average set in 1964. Statewide, 292 districts out of 883 or 33 percent of districts in California can have a class size average greater than 29.9.

The districts listed on Attachment 1 request to temporarily increase class sizes in grades four through eight to reduce expenditures in light of the statewide budget crisis and reductions in revenue limit funding. Since fiscal year 2008–09 most districts have experienced at least a 10 percent reduction in revenue limit funding in addition to the elimination of statutory cost of living adjustments. Furthermore, payments for over one-quarter of what they are due have been deferred until the next fiscal year.

A positive certification is assigned to a school district that will meet its financial obligations in the current and two subsequent fiscal years. A qualified certification is assigned when a district may not meet its financial obligations for the current or two subsequent fiscal years. A negative certification is assigned when a district will be unable to meet its financial obligations for the remainder of the current year or for the subsequent fiscal year. Each district's most recent status is identified on Attachment 1.

To address funding reductions, districts are using various options in addition to increasing class size, including categorical program spending flexibility, reducing the number of days in the school year, employee furloughs, salary reductions, layoffs, or school closures. The statutes being waived do not preclude a district from increasing class sizes above certain maximums. By denying the waiver, the SBE does not ensure that the districts will not raise class size averages and lose funding.

The Department recommends the class size penalty in grades four through eight be waived for each district provided the class size average is not greater than the recommended new maximum shown on Attachment 1. Should the district exceed this limit, the class size penalty would be calculated as required by statute. The estimated annual penalty should the district increase the class size average without a waiver is provided on Attachment 1.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a), available at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053>**

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#### **FISCAL ANALYSIS (AS APPROPRIATE)**

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See Attachment 1 for estimated penalty amounts for each district without the waiver approval.

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#### **ATTACHMENT(S)**

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Attachment 1: List of Waiver Numbers, Districts, and Information Regarding Each Waiver. (2 pages)

Attachment 2: Chawanakee Unified School District General Waiver Request 35-6-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

- Attachment 3: Desert Sands Unified School District General Waiver Request 16-5-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 4: Garden Grove Unified School District General Waiver Request 23-6-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 5: Glendora Unified School District General Waiver Request 15-5-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 6: Nevada City Elementary School District General Waiver Request 14-6-2012 (6 pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 7: Ojai Unified School District General Waiver Request 26-6-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 8: Orange Center Elementary School District General Waiver Request 53-4-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 9: Temple City Unified School District General Waiver Request 17-6-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

## Districts Requesting Grades Four Through Eight Class Size Penalty Waivers

Waiver Number	District	Period of Request	1964 Class Size Average (Current Maximum)	District's Request	CDE Recommended (New Maximum)	Bargaining Unit, Representatives Consulted, Date, and Position	Local Board and Public Hearing Approval Date	Advisory Committee(s) Consulted, Date/Position	Potential Annual Penalty Without Waiver	Fiscal Status	Previous Waivers
35-6-2012	Chawanakee Unified School District	<b>Requested:</b> July 1, 2012 to June 30, 2014  <b>Recommended:</b> July 1, 2012 to June 29, 2014	29.9	36	36	Chawanakee Teachers Association, Jessica Fairbanks, President 6/5/12 <b>Neutral</b>	June 26, 2012	District Budget Committee 2/23/12 <b>No Objections</b>	\$187,014 each year	Qualified	No
16-5-2012	Desert Sands Unified School District	<b>Requested:</b> July 1, 2012 to June 29, 2014  <b>Recommended:</b> July 1, 2012 to June 29, 2014	29.9	34	34	Desert Sands Teachers Association, Mona Davidson, President 4/27/12 <b>Support</b>	May 1, 2012	Desert Sands Finance Committee 4/19/12 <b>No Objections</b>	\$6,994,408 each year	Qualified	Yes 7/1/10 to 6/29/12
23-6-2012	Garden Grove Unified School District	<b>Requested:</b> September 6, 2012 to June 14, 2014  <b>Recommended:</b> July 1, 2012 to June 29, 2014	30.0	33	33	Garden Grove Education Association, Chris Francis, President; California School Employees Association, Jan Alls, President 5/14/12, 5/16/12, 5/21/12 <b>Support</b>	June 19, 2012	District Councils and Advisory Committee various dates <b>No Objections</b>	\$10,104,97 each year	Qualified	Yes 7/1/10 to 6/29/12
15-5-2012	Glendora Unified School District	<b>Requested:</b> July 1, 2012 to June 30, 2014  <b>Recommended:</b> July 1, 2012 to June 29, 2014	30.6	33	33	Glendora Teachers Association, Wayne Starn, President 12/15/12 <b>Support</b>	February 14, 2012	School Site Councils various dates <b>No Objections</b>	\$1,089,253 each year	Positive	Yes 7/4/10 to 6/29/12
14-6-2012	Nevada City Elementary School District	<b>Requested:</b> July 1, 2012 to June 29, 2014  <b>Recommended:</b> July 1, 2012 to June 29, 2014	30.1	33	33	Nevada City Faculty Association, Joy Haggart, President; 5/11/12; California School Employees Association, James Lowe, President 5/23/12 <b>Neutral</b>	June 5, 2012	Seven Hill's School Site Council 5/8/12, Deer Creek Elementary School Site Council 5/14/12 <b>Objections</b>	\$162,390 each year	Negative	Yes

## Districts Requesting Grades Four Through Eight Class Size Penalty Waivers

Waiver Number	District	Period of Request	1964 Class Size Average (Current Maximum)	District's Request	CDE Recommended (New Maximum)	Bargaining Unit, Representatives Consulted, Date, and Position	Local Board and Public Hearing Approval Date	Advisory Committee(s) Consulted, Date/Position	Potential Annual Penalty Without Waiver	Fiscal Status	Previous Waivers
26-6-2012	Ojai Unified School District	<b>Requested:</b> July 1, 2012 to June 29, 2014  <b>Recommended:</b> July 1, 2012 to June 29, 2014	29.9	34	34	Ojai Federation of Teachers, Martha Ditchfield, President 6/1/12 <b>Support</b>	June 26, 2012	Meiners Oaks, Mira Monk, San Antonio, Summit and Topa Topa School Site Councils 6/6/12 - 6/12/12 <b>No Objections</b>	\$387,505 each year	Positive	Yes 7/1/10 to 6/29/12
53-4-2012	Orange Center Elementary School District	<b>Requested:</b> July 1, 2012 to June 30, 2014  <b>Recommended:</b> July 1, 2012 to June 29, 2014	29.9	36	36	Orange Center Teachers Association, Ken Hudson, President 4/30/12 & 5/9/12 <b>Neutral</b>	May 9, 2012	School Site Council 5/11/12 <b>No Objections</b>	\$166,521 each year	Qualified	No
17-6-2012	Temple City Unified School District	<b>Requested:</b> July 1, 2012 to June 30, 2014  <b>Recommended:</b> July 1, 2012 to June 29, 2014	31.9	34	34	Temple City Education Association, Debra Maurey, President 4/27/12 <b>Neutral</b>	May 23, 2012	Budget Advisory Committee 4/30/12 <b>Objections</b>	\$372,112 each year	Positive	Yes 7/1/10 to 6/29/12

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>

First Time Waiver: ☒ X

Renewal Waiver: ☐

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		2	0	7	5	6	0	6
Local educational agency: Chawanakee Unified School District		Contact name and Title: Maryann Henry, Business Manager				Contact person's e-mail address: mhenry@mychawanakee.org		
Address: (City) (State) (ZIP) PO Box 400 North Fork, CA 93643		Phone (and extension, if necessary): 559-877-6209 ext. 212 Fax Number: 559-877-2065						
Period of request: (month/day/year) From: July 1, 2012 To: June 30, 2014		Local board approval date: (Required) June 26, 2012				Date of public hearing: (Required) June 26, 2012		
<b>LEGAL CRITERIA</b>								
1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the particular <i>Education Code</i> or <i>California Code of Regulations</i> section(s) to be waived (number): Topic of the waiver: Class size level for grades 4 to 8 Circle One: <u>EC</u> or CCR								
2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval: _____ Renewals of waivers must be submitted two months before the active waiver expires.								
3. Collective bargaining unit information. Does the district have any employee bargaining units? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes, please complete required information below:  Bargaining unit(s) consulted on date(s): 6/5/2012  Name of bargaining unit and representative(s) consulted: Chawanakee Teacher's Association, Jessica Fairbanks CTA President.  The position(s) of the bargaining unit(s): <input checked="" type="checkbox"/> X Neutral <input type="checkbox"/> Support <input type="checkbox"/> Oppose (Please specify why)  Comments (if appropriate): We have no student cap in our Certificated bargaining unit.								
4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.  How was the required public hearing advertised? <input type="checkbox"/> Notice in a newspaper <input checked="" type="checkbox"/> X Notice posted at each school <input type="checkbox"/> Other: (Please specify)								
5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: District Budget Committee  Date the committee/council reviewed the waiver request: 2/23/2012  Were there any objection(s)? No <input checked="" type="checkbox"/> X Yes <input type="checkbox"/> (If there were objections please specify)								

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**  
GW-1 (10-2-09)

6. <i>Education Code or California Code of Regulations</i> section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a <b>strike out key</b> ).  <b>Education Code 41376 (b) (c) (d) (e) (f) See attached sheets (2)</b>		
7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.  The need for budget flexibility during State fiscal crisis. We do not have exact class sizes at this time, but anticipated enrollment to increase making this a necessity.  We have no student cap in our Certificated bargaining agreement.		
8. Demographic Information: (District/school/program) <u>Chawanakee Unified</u> has a student population of 1,059 and is located in a rural area in Madera County.		
<b>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</b> No <input type="checkbox"/> Yes <input type="checkbox"/> (If yes, please attach explanation or copy of audit finding)  <b>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</b> No <input type="checkbox"/> Yes <input type="checkbox"/> (If yes, please attach explanation or copy of CPM finding)		
<b>District or County Certification</b> – <i>I hereby certify that the information provided on this application is correct and complete.</i>		
Signature of Superintendent or Designee: Stephen Foster, Ed. D. (original signature submitted by hand)	Title: Superintendent	Date: June 26, 2012
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:



**Chawanakee Unified School District**  
General Waiver Attachment(s):

11. The district requests a waiver to increase the district wide average number of pupils per each full-time equivalent (FTE) teacher for grades 4-8 from the current 29.9:1 (1964 per EC § 41376) to 36:1.

The statewide budget crisis has affected the financial health of the district, putting district instruction at risk. The district believes it is necessary to reduce staffing levels in an effort to preserve student programs and district operations to remain solvent.

Item 6:

Waiver of Class Size Penalties for Grades 4-8

41376(b) and (e) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. ~~(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.~~ (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section. ~~(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

16-5-2012

Attachment 3

Page 1 of 4

CALIFORNIA DEPARTMENT OF EDUCATION

**GENERAL WAIVER REQUEST**GW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>

First Time Waiver: \_\_\_\_\_

Renewal Waiver: X

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** a  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		3	3	6	7	0	5	8
Local educational agency: <b>Desert Sands Unified School District</b>		Contact name and Title: <b>Cindy McDaniel, Assistant Superintendent , Business Services</b>				Contact person's e-mail address: Cynthia.mcdaniel@dsusd.us		
Address: (City) (State) (ZIP) <b>47-950 Dune Palms Road La Quinta CA 92253</b>		Phone (and extension, if necessary): <b>(760) 771-8507</b> Fax Number: <b>(760) 771-8510</b>						
Period of request: (month/day/year) From: <b>7/01/12</b> To: <b>6/29/2014</b>		Local board approval date: (Required) <b>5/1/2012</b>			Date of public hearing: (Required) <b>5/1/2012</b>			
<b>LEGAL CRITERIA</b>								
1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the particular <i>Education Code</i> or <i>California Code of Regulations</i> section(s) to be waived (number): <b>41376 (b) and (e)</b> Circle One: <u>EC</u> or CCR  Topic of the waiver: <b>Renewal of Waiver of class size penalty for exceeding the 1964 district and/or statewide average (29.9) number of pupils per teacher in grades 4-8.</b>								
2. If this is a renewal of a previously approved waiver, please list Waiver Number: <b>48-6-2010-W-6</b> and date of SBE Approval: <b>9/16/2010</b> Renewals of waivers must be submitted two months before the active waiver expires.								
3. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No <u>X</u> Yes If yes, please complete required information below:  Bargaining unit(s) consulted on date(s): <b>4/27/12</b> Name of bargaining unit and representative(s) consulted: <b>Desert Sands Teachers Association(DSTA)/Mona Davidson - President</b>  The position(s) of the bargaining unit(s): ___ Neutral <u>X</u> Support ___ Oppose ( <i>Please specify why</i> )								
4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.  How was the required public hearing advertised?  ___ Notice in a newspaper <u>X</u> Notice posted at each school <u>X</u> Other: ( <i>Please specify</i> ) <b>District Website</b>								
9. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: <b>The Desert Sands Finance Committee</b>  Date the committee/council reviewed the waiver request: <b>4/19/12</b>  Were there any objection(s)? No <u>X</u> Yes ___ ( <i>If there were objections please specify</i> )								

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**  
GW-1 (10-2-09)

10. <i>Education Code or California Code of Regulations</i> section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a <b>strike out key</b> ).  <b>SEE ATTACHED</b>		
11. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.  <b>SEE ATTACHED</b>		
12. Demographic Information: (District/school/program) <b>District</b> has a student population of <b>29,199</b> and is located in a <b>suburban</b> ( <i>urban, rural, or small city etc.</i> ) in <b>Riverside</b> County.		
<b>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</b> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (If yes, please attach explanation or copy of audit finding)  <b>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</b> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (If yes, please attach explanation or copy of CPM finding)		
<b>District or County Certification</b> – <i>I hereby certify that the information provided on this application is correct and complete.</i>		
Signature of Superintendent or Designee:	Title: <b>Assistant Superintendent, Business Services</b>	Date:
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

## Desert Sands Unified School District General Waiver Request Attachment

#6 Education Code or California Code of Regulations section to be waived:

41376(b) and (e) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. ~~(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section. (e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product~~

## **Desert Sands Unified School District General Waiver Request Attachment**

*#7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.*

The Desert Sands Unified School District has worked tirelessly to provide the essential core academic programs to our students by investing every available resource to maintain as many teacher jobs and student programs as possible. With the current staffing reductions having to be made due to the challenging fiscal environment, the imposition of financial penalties for exceeding class-size requirements would have a devastating impact on our ability to continue to provide quality instruction in all core subjects, including reading and mathematics.

Further dramatic loss of funding, should the waiver not be approved, would compromise the Districts' ability to develop more effective educational programs to continue innovative programs and practices in serving the needs of our students. Most notably, great strides have been made in programs serving English Language Learners and Students with Disabilities in the areas of mathematics and English/Language Arts/Reading. The waiver is essential to our efforts of continued improvement of core instructional programs and services for all Desert Sands students.

It is the District's desire that the overall average and individual class sizes in grades four through eight is not larger than 34 pupils per teacher. There is no bargaining unit cap in the contract between the District and DSTA. Our current average class sizes are as followed: Grade 4 – 31:1; Grade 5 – 32:1; Grade 6 – 30:1; Grade 7 – 32:1; Grade 8 – 32:1.

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>

First Time Waiver: \_\_\_\_\_

Renewal Waiver: X

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		3	0	6	6	5	2	2
Local educational agency: <b>GARDEN GROVE UNIFIED SCHOOL DISTRICT</b>		Contact name and Title: <b>Sue McCann, Asst Sup't Business Serv.</b>				Contact person's e-mail address: <b>smccann@ggusd.us</b>		
Address: (City) (State) (ZIP) <b>10331 Stanford Avenue, Garden Grove, Ca. 92840</b>		Phone (and extension, if necessary): <b>714-663-6446</b> Fax Number: <b>714-663-6100</b>						
Period of request: (month/day/year) From: 9/6/12 To: 6/14/14		Local board approval date: (Required) 6/19/12				Date of public hearing: (Required) 6/19/12		
<b>LEGAL CRITERIA/</b>								
1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the particular <i>Education Code</i> or <i>California Code of Regulations</i> section(s) to be waived (number): <b>EC 41376 (b) and (e)</b> Circle One: <u>EC</u> or CCR  Topic of the waiver: <b>Waive the Class Size Penalty (Gr. 4 through 8) - from: 30 to: 33</b>								
2. If this is a renewal of a previously approved waiver, please list Waiver Number: <b>18-9-2010-W-2</b> and date of SBE Approval: <b>2/10/11</b> Renewals of waivers must be submitted two months before the active waiver expires.								
3. Collective bargaining unit information. Does the district have any employee bargaining units? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes, please complete required information below:  Bargaining unit(s) consulted on date(s): <b>5/14/12, 5/16/12, 5/21/12</b>  Name of bargaining unit and representative(s) consulted: <b>Garden Grove Education Association (GGEA) –Chris Francis, President &amp; CSEA –Jan Alls, President</b> The position(s) of the bargaining unit(s): <input type="checkbox"/> Neutral <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose ( <i>Please specify why</i> )  Comments (if appropriate): <b>Negotiated Agreement with GGEA to increase staffing ratio to 33:1 for 2012-13 and 2013-14</b>								
4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.  How was the required public hearing advertised?  <u>XX</u> Notice in a newspaper <input type="checkbox"/> Notice posted at each school <u>XX</u> Other: ( <i>Please specify</i> ) <b>and at 3 public places</b>								
13. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  Date the committee/council reviewed the waiver request: <b>District Advisory Council 4/12/12; District PTA council 5/21/12; K-12 Advisory Committee 5/11/12</b>  Were there any objection(s)? No <u>XX</u> Yes <input type="checkbox"/> ( <i>If there were objections please specify</i> )								

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**  
GW-1 (10-2-09)

<p>14. <i>Education Code</i> or <i>California Code of Regulations</i> section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a <b>strike out key</b>).</p> <p style="color: blue;">See attached Education Code 41376(b) and (e).</p>		
<p>15. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.</p> <p style="color: blue;">Due to the State's continuing fiscal crisis and the subsequent impact to the district's financial status, the district has negotiated a staffing/class size ratio increase for regular classroom teachers with the GGEA employee bargaining unit for a renewal of the temporary period for two years (fiscal year 2012/13 and 2013/14), which may not exceed 33 for grades 4 through 8. The district has attempted to keep class sizes smaller, and has not exceeded state limits historically in the last six fiscal/school years (i.e. current 2011-12= 28.8; 2010-11= 28.3; 2009-10= 29.5; 2008/09= 28.4; 2007/08= 27.4; 2006/07= 28.5). In certain circumstances, should the occasion arise, it is not in the best interest of the potentially excess students to shift instruction to another classroom teacher at the same school during a critical period. <i>The District desires the State Board of Education to waive EC 41376 (b) and (e) for 2012-13 and 2013-14, and waive the Class Size Penalty (Grade 4 through 8) – from: 30 to: 33.</i></p>		
<p>16. Demographic Information: (District/school/program) <i>Garden Grove Unified School District</i> has a student population of <i>48,382</i> and is located in an <u>urban area</u> in <u>Orange</u> County.</p>		
<p><b>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</b> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (If yes, please attach explanation or copy of audit finding)</p> <p><b>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</b> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (If yes, please attach explanation or copy of CPM finding)</p>		
<p><b>District or County Certification</b> – <i>I hereby certify that the information provided on this application is correct and complete.</i></p>		
<p>Signature of Superintendent or Designee:</p>	<p>Title: <i>Sue McCann, Ed.D.</i> <i>Assistant Superintendent, Business Services</i></p>	<p>Date: <i>6/19/12</i></p>
<p><b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b></p>		
<p>Staff Name (<i>type or print</i>):</p>	<p>Staff Signature:</p>	<p>Date:</p>
<p>Unit Manager (<i>type or print</i>):</p>	<p>Unit Manager Signature:</p>	<p>Date:</p>
<p>Division Director (<i>type or print</i>):</p>	<p>Division Director Signature:</p>	<p>Date:</p>
<p>Deputy (<i>type or print</i>):</p>	<p>Deputy Signature:</p>	<p>Date:</p>

## To Waive the Class Size Penalty (Grades 4-8)

41376(b) and (e) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. ~~(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.~~ (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section. ~~(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~



CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>

First Time Waiver:     

Renewal Waiver: ~~X~~

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

			CD CODE						
			1	9	6	4	5	7	6
Local educational agency:  Glendora Unified School District			Contact name and Title: Dominic DiGrazia Director of Personnel Services				Contact person's e-mail address: ddigrazia@glendora.k12.ca.us		
Address: (City) (State) (ZIP)  500 N. Loraine Ave., Glendora, CA 91741			Phone (and extension, if necessary): (626) 963-1611 ext. 300 Fax Number: (626) 963-4181						
Period of request: (month/day/year) From: 7/1/12 To: 6/30/14			Local board approval date: (Required) 2/14/12			Date of public hearing: (Required) 2/14/12			

### LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 41376 (b) & (e) Circle One: EC or CCR

Topic of the waiver: **Waiver of the class size penalty for exceeding the 1964 district and/or statewide average number of pupils per teacher in grades 4-8. The District's class size maximum in 1964 was 30.6. Currently the District's class size average is at 29 for grades 4-8. Due to the continued fiscal crisis, the District is requesting a waiver for an additional three students above the 30.6:1 threshold that was established in 1964.**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 83-2-2010 - WC - 7 and date of SBE Approval 5/6/10. Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units?    No   X   Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): 12/15/11

Name of bargaining unit and representative(s) consulted: Glendora Teacher's Association (GTA)

The position(s) of the bargaining unit(s):    Neutral   X   Support    Oppose (*Please specify why*)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

  X   Notice in a newspaper   X   Notice posted at each school        Other: (*Please specify*)

17. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request:

The district's seven School Site Councils reviewed this waiver on the following dates: Cullen Elementary School – 1/23/12, La Fetra Elementary School – 1/30/12, Sellers Elementary School – 1/23/12, Stanton Elementary School – 2/14/12, Sutherland Elementary School – 2/8/12, Goddard Middle School – 2/8/12, Sandburg Middle School – 2/6/12

Were there any objection(s)? No   X   Yes        (*If there were objections please specify*)

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**  
GW-1 (10-2-09)

18. <i>Education Code</i> or <i>California Code of Regulations</i> section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a <b>strike out key</b> ).  <b>See Attached Item #6</b>		
19. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages. <b>The District is seeking to temporarily increase class size in grades 4-8 in order to reduce expenditures. The ongoing budget crisis and resulting revenue reductions to Glendora Unified School District has caused the District's 2011-12 and 2012-13 anticipated expenditures to exceed revenues by approximately \$9 million. The District would save approximately \$750,000 by increasing the average class size to 33 students. This would require a renewal waiver of Ed Code Section 41376(b) &amp; (e), which states that a district will be penalized for exceeding its class size average in grades 4-8 from its 1964 average. In 1964, Glendora Unified School District's class size average in grades 4-8 was 30.6. The District is asking that Ed Code Section 41376 (b) &amp; (e) and its associated penalty be waived in order to increase class sizes until additional revenues are available. This waiver would end on June 30, 2014, at which time it is anticipated that the District would be in a better position to afford the lower class sizes. Should the State Board approve the waiver renewal, the District would still have to negotiate the larger class sizes with the teachers union, since class size maximums are listed in our contract. However, the District must first obtain a waiver in order to negotiate the larger class size since we cannot bargain something that is against Ed Code. In light of the continued statewide budget crisis and the ongoing revenue to our school district, additional staffing cost has a detrimental effect on the District's operations and ability to provide necessary services.</b>		
20. Demographic Information: (District/school/program) <u>Glendora Unified School District</u> has a student population of <u>7,472</u> and is located in a <u>urban</u> (urban, rural, or small city etc.) in <u>L.A.</u> County.		
<b>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</b> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (If yes, please attach explanation or copy of audit finding)		
<b>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</b> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (If yes, please attach explanation or copy of CPM finding)		
<b>District or County Certification</b> – I hereby certify that the information provided on this application is correct and complete.		
Signature of Superintendent or Designee:	Title: Superintendent	Date: 2-15-12
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name (type or print):	Staff Signature:	Date:
Unit Manager (type or print):	Unit Manager Signature:	Date:
Division Director (type or print):	Division Director Signature:	Date:
Deputy (type or print):	Deputy Signature:	Date:

GLENDORA UNIFIED SCHOOL DISTRICT  
GENERAL WAIVER REQUEST (GW-1)  
ADDITIONAL INFORMATION

Item # 6

**To Waive the Class Size Penalty (Grades 4-8) Prospectively**  
EC 41376 (b) and (e)

**41376.** The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class.

For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.

~~—(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner:~~

~~—(1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board.~~

~~—(2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.~~

~~—(3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.~~

(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.

(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.

~~(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:~~

~~—He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

(f) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall add to the product determined under subdivision (c) of this section, the product determined under subdivision (e) of this section and decrease the average daily attendance reported under the provisions of Section 41601 by this total amount.

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST -**

GW-1 (Rev. 1-8-10) <http://www.cde.ca.gov/re/lr/wr/>

**First Time Waiver:** \_\_\_\_\_

**Renewal Waiver:** ☒ **X**

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		2	9	6	6	3	4	0
Local educational agency: <b>Nevada City School District</b>		Contact name and Title: <b>Janice Klee, Coordinator of Fiscal Services</b>				Contact person's e-mail address: <b>jklee@ncsd.k12.ca.us</b>		
Address: (City) (State) (ZIP) <b>800 Hoover Lane, Nevada City, CA., 95959</b>		Phone (and extension, if necessary): <b>530.265.1823</b>						
Period of request: (month/day/year) From: <b>7/1/2012</b> To: <b>6/29/14</b>		Local board approval date: (Required) <b>June 5, 2012</b>				Date of public hearing: (Required) <b>June 5, 2012</b>		
<p>1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the particular <i>Education Code</i> or <i>California Code of Regulations</i> section to be waived: <b>Portions of 41376 (b) and (e) EC</b></p> <p>Topic of the waiver: <b>Waiver of class size penalty for exceeding the 1964 district average of 30.1 and/or statewide average of 29.9 number of pupils per teacher in grades 4 – 8. This waiver seeks authority to increase class sizes to no more than an average of 33 students. Currently, there is one 6<sup>th</sup> grade classroom with 33 students.</b></p>								
<p>2. If this is a renewal of a previously approved waiver, please list Waiver Number: <b>61-12-2011-W-27</b> and date of SBE Approval <b>March 8, 2012</b></p> <p>Renewals of waivers must be submitted two months before the active waiver expires.</p>								
<p>3. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No <input checked="" type="checkbox"/> Yes If yes, please complete required information below:</p> <p>Bargaining unit(s) consulted on date(s):  <b>California School Employees Association (CSEA) Chapter 390 May 23, 2012</b>  <b>Nevada City Faculty Association (NCFA)- May 11, 2012</b></p> <p>Name of bargaining unit and representative(s) consulted:  <b>California School Employees Association (CSEA) Chapter 390- James Lowe</b>  <b>Nevada City Faculty Association (NCFA)- Joy Haggart, President</b></p> <p>The position(s) of the bargaining unit(s): <b>CSEA/NCFA</b> <input checked="" type="checkbox"/> Neutral ___ Support ___ Oppose (<i>Please specify why</i>)</p>								
<p>4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.</p> <p>How was the required public hearing advertised?</p> <p>___ Notice in a newspaper <input checked="" type="checkbox"/> Notice posted at each school <input checked="" type="checkbox"/> Other: three public places in the district.</p>								
<p>21. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:</p> <p>Date the committee/council reviewed the waiver request: <b>May 8, 2012 Seven Hill's (5-8) School Site Council</b>  <b>May 14, 2012 Deer Creek Elementary School (K-4)</b></p> <p>Were there any objection(s)? No ___ Yes <input checked="" type="checkbox"/> <b>Attachment # 1 ( Seven Hills Site Council Memo/Deer Creek Site Council Minutes/Memo)</b></p>								

22. *Education Code* or *California Code of Regulations* section to be waived: (**Strike-out** below indicates the exact language being waived.)

**Please see Attachment # 2, Item 6 Education Code Being Waived.**

23. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

**The Nevada City School District is seeking to temporarily increase class size in grades 4 – 8 in order to provide flexibility in staffing and reduce expenditures during this period of severely reduced revenue. The district faces a \$ \$329,296 budget shortfall for 2012/13 and a \$ \$304,414 budget shortfall for 2013/14 due to the State budget crisis and sharp revenue reductions. In fact, as of the 2011-2012 Second Interim Report (Attachment # 3), the District received a “negative” fiscal certification. We closed a school in 2009/10 and repurposed another school in 2010/11. This requires a waiver of Education Code Section 41376 (b) and (e) which states that a district will be penalized for exceeding the greater of its average class size in grades 4 – 8 or the 1964 statewide average of 29.9. The district is asking that Education Code Section 41376 (b) and (e) and the associated penalty be waived in order to increase class sizes for grades 4 – 8 to an average not to exceed 33 students. This waiver would end on June 29, 2014.**

**Current Enrollment**

Grade	Students	Teachers	Average Class Size
4 Deer Creek	95	3.5	27.14
5	110	4	27.50
6	96	3	32.00
7	99	4	24.75
8	137	6	22.83
Totals	537	20.5	26.20

8. Demographic Information:  
Nevada City School District has a student population of 926 and is located in a rural (*urban, rural, or small city etc.*) area in Nevada County.

**District or County Certification – I hereby certify that the information provided on this application is correct and complete.**

Signature of Superintendent or Designee:  
**Roxanne Brown Gilpatric**

Title:  
**Superintendent**

Date:  
**June 5, 2012**

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

Attachment #1

May 8, 2012

Seven Hills Site Council Action on Class Size Waiver

Members of the Seven Hills Site Council understand that the need to increase classes is a budgetary necessity but we do feel a need to state our objections to increasing class sizes:

Objections to Class Size Waiver:

- 1) Large class sizes impact individual student learning

**Attachment #1**

May 14, 2012

Statement of objection: The Deer Creek School Site Council recognizes that increasing class size is a budgetary necessity. However, we object to such increases because of their impact on student learning. We request a reduction in class size be considered in the event that changes in budget going forward allow.

Emily Fevinger recommended that we look into what class sizes would be if we did not have combination classes. Erika Clawson said she would run the numbers.

**Question #6 Attachment # 2**

**EC Being Waived:**

**To Waive the Class Size Penalty (Grades 4-8) Prospectively or Retroactively EC 41376 (b) and (e)**

41376(b) and (e) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. ~~(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.~~ (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section. ~~(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~



NEVADA CITY SCHOOL DISTRICT  
Second Interim 2011/1  
Resolution No. 1112-26

In submitting the 2011-12 Second Interim Budget and an implementation plan for necessary budget reductions, the Board understands its fiduciary responsibility to maintain fiscal solvency for the current and subsequent two fiscal years.

Due to California's sluggish economic recovery, the uncertain outcome of the Governor's tax initiative, and proposed implementation of trigger reductions for 2012/13, it is recognized that based on a revenue reduction of \$370 per ADA the district will implement \$329,296 in ongoing budget reductions in 2012/13 and an additional \$304,414 reductions in 2013/14 to maintain fiscal solvency.

It is further recognized that the Board will submit a budget reduction plan and implementation timeline of approved ongoing budget reductions for 2012/13.

PASSED AND ADOPTED this 13th day of March, 2012 by the Governing Board of the Nevada City School District, Nevada County, State of California, by the following Roll Call vote:

Gerving, Mizushima, Hill-Weld, Wiser, Campbell

Ayes: 5 Abstained: 0

Noes: 0 Absent: 0

I hereby certify this is a full, true and correct copy of a resolution duly adopted by the Board of Trustees of the Nevada City School District. Dated: March 13, 2012

---

Paula Campbell, Board President

---

Superintendent, Roxanne Gilpatric

---

Coordinator of Fiscal Services, Janice Klee

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>

First Time Waiver: \_\_\_\_\_

Renewal Waiver: **X**

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		5	6	7	2	5	2	0
Local educational agency:  Ojai Unified School District		Contact name and Title: Dannielle Pusatere Assistant Superintendent				Contact person's e-mail address: dpusatere@ojai.k12.ca.us		
Address: (City) (State) (ZIP) PO Box 878, Ojai, CA 93024		Phone (and extension, if necessary): 805-640-4300 x1015 Fax Number: 805-640-4419						
Period of request: (month/day/year) From: 7-01-12 To: 06-29-14		Local board approval date: (Required) June 26, 2012				Date of public hearing: (Required) June 26, 2012		
<b>LEGAL CRITERIA</b>								
1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the particular <i>Education Code</i> or <i>California Code of Regulations</i> section(s) to be waived (number): 41376 (b) and (e) Circle One: <u>EC</u> or CCR Topic of the waiver: Class Size Penalty Grades 4-8								
2. If this is a renewal of a previously approved waiver, please list Waiver Number: 14-10-2012-W-3 and date of SBE Approval February, 09-10, 2011. Renewals of waivers must be submitted two months before the active waiver expires.								
3. Collective bargaining unit information. Does the district have any employee bargaining units? <u>  </u> No <u>  X  </u> Yes If yes, please complete required information below:  Bargaining unit(s) consulted on date(s): June 1, 2012  Name of bargaining unit and representative(s) consulted: Ojai Federation of Teachers – the President of the Union  The position(s) of the bargaining unit(s): <u>  </u> Neutral <u>  X  </u> Support <u>  </u> Oppose ( <i>Please specify why</i> )  Comments (if appropriate):								
4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.  How was the required public hearing advertised? In the newspaper – Ojai Valley News <u>  X  </u> Notice in a newspaper <u>  </u> Notice posted at each school <u>  </u> Other: ( <i>Please specify</i> )								
24. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: Site Councils for all the District elementary schools- Meiners Oaks, Mira Monte, San Antonio, Summit and Topa Topa  Date the committee/council reviewed the waiver request: June 6-12, 2012  Were there any objection(s)? No <u>  X  </u> Yes <u>  </u> ( <i>If there were objections please specify</i> )								

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**  
GW-1 (10-2-09)

25. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

**Please see Attachment A citing the Education Code Section requesting to be waived.**

26. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Due to the extremely challenging fiscal environment, the Ojai Unified School District (OUSD) has significantly reduced expenditures to meet the lower revenues allocated by the State. Five years ago, the District reduced non-core classes and staff, such as art, music, transportation, custodial, libraries and labs to make up the shortfall. However during the 2010-11 and 2011-12 school years, the District found it necessary to reduce K-3 CSR, implement furlough days and tighten up the regular education student to teacher ratios based upon enrollment projections. This resulted in a State waiver for classes in grades 4-8. For the 2012-13 school year, the State fiscal crisis still continues and the District needs to balance its budget. Currently, the District estimates that if the waiver is not approved the district could incur a penalty of \$75,131.

The Ojai Unified School District is requesting the State renew the general waiver of class size in grades 4-8 to an average class size not to exceed 34 students. If the waiver is not approved, the financial penalties imposed would have a detrimental effect on the District's operations and ability to maintain and improve instruction in all core subjects, including reading and mathematics.

27. Demographic Information:  
(District/school/program) has a student population of 2,935 and is located in a (urban, rural, or small city etc.) in Ventura County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** No ☒ Yes ☐  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No ☒ Yes ☐  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:	Title: Superintendent	Date: 5-29-2012
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

Staff Name (type or print):	Staff Signature:	Date:
Unit Manager (type or print):	Unit Manager Signature:	Date:
Division Director (type or print):	Division Director Signature:	Date:
Deputy (type or print):	Deputy Signature:	Date:

Ojai Unified School District (CDS 56-72520) – CDE General Waiver Request

Attachment A

Item #6 - Education Code to be waived

*Education Code or California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**)

41376(b) and (e) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. ~~(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.~~ (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section. ~~(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>

First Time Waiver:   X  

Renewal Waiver:       

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		1	0	6	2	3	3	1
Local educational agency:		Contact name and Title:				Contact person's e-mail address:		
Orange Center Elementary School District		Lance Clement, Superintendent				<a href="mailto:lclement@fcoe.net">lclement@fcoe.net</a>		
Address: (City) (State) (ZIP)		Phone (and extension, if necessary):				Fax Number:		
3530 S Cherry Ave Fresno CA 93706		559.237.0437				925.625.1863		
Period of request: (month/day/year)		Local board approval date: (Required)				Date of public hearing: (Required)		
From: 7-1-2012 To: 6-30-2014		May 9, 2012				May 9, 2012		
<b>LEGAL CRITERIA</b>								
<p>1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the particular <i>Education Code</i> or <i>California Code of Regulations</i> section(s) to be waived (number): EC 41376 (b) &amp; (e) Circle One: <i>EC</i> or <i>CCR</i></p> <p>Topic of the waiver: Waiver of class size penalties for grades 4-8. Under the provisions of Ed. Code sections 41376 (b) &amp; (e) to avoid class size penalties in grades 4 through 8, the average number of pupils per teacher is not to exceed the greater of the statewide average of pupils per teacher in 1964 (29.9) or the District's (OUESD) average number of pupils per teacher in 1964. Orange Center ESD's average number of pupils per teacher in 1964 was 29.9.</p>								
2. If this is a renewal of a previously approved waiver, please list Waiver Number:								
<p>3. Collective bargaining unit information. Does the district have any employee bargaining units? <u>  </u> No <u>  X  </u> Yes If yes, please complete required information below:</p> <p>Bargaining unit(s) consulted on date(s): April 30, 2012 &amp; May 9, 2012</p> <p>Name of bargaining unit and representative(s) consulted:</p> <p>The position(s) of the bargaining unit(s): <u>  X  </u> Neutral <u>  </u> Support <u>  </u> Oppose (<i>Please specify why</i>)</p> <p>Comments (if appropriate): While the Orange Center Teachers Association (OCTA) understands the need and are appreciative of the District's efforts to remain fiscally solvent, we don't wish to see increases in class sizes. Since there are no class size caps in the bargaining agreement with the Teachers Association (OCTA), a district-wide effort to implement necessary reductions to offset the revenue shortfalls due to the state's fiscal crisis is understood. However, the negative impact on instruction and learning is of a grave concern to our Teachers Association (OCTA) and we wish it duly noted. We take a neutral yet guarded position regarding this waiver. Ken Hudson President OCTA.</p>								
<p>4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.</p> <p>How was the required public hearing advertised?</p> <p><u>      </u> Notice in a newspaper <u>  X  </u> Notice posted at each school <u>      </u> Other: (<i>Please specify</i>) Posted at the Orange Center School District Office and Jenny's Market at 2645 S Cherry Ave, Fresno, CA, 93706, and Cherry Market, 4640 S. Cherry Ave, Fresno CA 93706</p>								
<p>28. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:</p> <p>School Site Council</p> <p>Date the committee/council reviewed the waiver request: 5/11/2012</p> <p>Were there any objection(s)? No <u>  X  </u> Yes <u>      </u> (<i>If there were objections please specify</i>)</p>								

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**  
GW-1 (10-2-09)

29. <i>Education Code or California Code of Regulations</i> section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a <b>strike out key</b> ).  <b>SEE ATTACHED</b>		
30. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages. <b>SEE ATTACHED</b>		
31. Demographic Information: The Orange Center ESD has a student population of 330 and is located in a rural area of Fresno County. The ethnic diversity of the students includes 4% white, 80% Hispanic, 1% black & 16% Asian. Orange Center Elementary School is a caring school founded 1881.		
<b>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</b> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (If yes, please attach explanation or copy of audit finding)  <b>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</b> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (If yes, please attach explanation or copy of CPM finding)		
<b>District or County Certification</b> – <i>I hereby certify that the information provided on this application is correct and complete.</i>		
Signature of Superintendent or Designee:	Title:  Superintendent	Date:
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

**Item 6:**

**Waiver of Class Size Penalties for Grades 4-8**

41376(b) and (e) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. ~~(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section. (e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

The current fiscal crisis at the state level has direct impact to our school districts ability to maintain a positive fund balance without additional staff reductions and increased class sizes. This is a temporary waiver request for an additional two years. However, as a safety net for the next two years we would like to renew this waiver just in case it becomes necessary in a few isolated classes. Orange Center will reinstate CSR at 20:1 when the State budget eliminates the current waiver from class size penalties. However, the offset to revenue reductions made by the state cannot be accomplished for this re-implementation without possibility of having to waive the standard class sizes indicated in the current education code for the upcoming two years.

The 2009-10 District budget included a shortfall of \$284,802 due to state reductions. To address the shortfall the district Board of Trustees approved staff changes as follows: 3 certificated layoffs, 2 classroom teachers and 1 literacy coach, elimination of 1 classroom aide. Retirement of 1 assistant principal resulted in the elimination of that position. Additional on-going revenue reductions included in the 2010-11 state budget proposal has left the district with an additional \$157,288 dollar reduction. This reduction resulted in the reduction of the work year for certificated staff members from 183 days to 180 days and 179 days for classified staff. The lay-off of 1 literacy coach and 5 classroom aides. The retirement of 1 classroom teacher and 1 certificated school nurse resulted in the elimination of those positions. The assistant principal position was not restored. The resignation of 2 full-time bus driver/custodian resulted in replacing only 1 of those positions and the retirement and resignation of 2 classroom aides resulted in the elimination of the 2 positions. The elimination of fully paid health benefits has resulted in a cap of district paid benefits, employee contributions are made to pay up to the desired coverage. Our current class size average for each grade level is as follows: grade 4 avg. 38.19:1, grade 5 avg. 34:1, grade 6 avg. 34.25:1, grades 7 avg. 19.99:2 & 8 grade avg. 37:1. The district is requesting an average of 36:1.

In addition the fiscal crisis at the state level has created a domino effect on the classroom and our ability to maintain core programs. From this lack of funding flows a lack of instructional materials, lack of staff to deliver instruction, and limited program offerings. Additional financial reductions due to class size penalties will create a further decline to our classrooms resulting in additional reductions that reach to the core academic programs such as reading, mathematics and science. The Orange Center District continues to set priorities that impact our student body in a direct and positive way as we struggle to maintain and improve our core programs in the midst of this crisis. Our strategic plan is focused on quality teacher and student achievement. It is our hope that further reductions though penalties will not occur and our waiver will be fully considered by the State Board.



CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>

First Time Waiver: \_\_\_\_\_

Renewal Waiver: X

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		1	9	6	5	0	5	2
Local educational agency:		Contact name and Title:			Contact person's e-mail address:			
Temple City Unified School District		Marianne Sarraill, Director Fiscal Ser.			msarraill@tcusd.net			
Address: (City) (State) (ZIP)		Phone						
9700 Las Tunas Dr. Temple City CA 91780		(626) 548-5018						
		(626) 548-5025						
Period of request: (month/day/year)		Local board approval date: (Required)			Date of public hearing: (Required)			
From: 07/01/2012 To: 06/30/2014		05/23/2012			05/23/2012			
<b>LEGAL CRITERIA</b>								
1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the particular <i>Education Code</i> or <i>California Code of Regulations</i> section(s) to be waived (number): Circle One: <u>EC</u> or CCR Topic of the waiver: 4-8 Class Size Penalty								
2. If this is a renewal of a previously approved waiver, please list Waiver Number: 8-7-2010-w-1 and date of SBE Approval 11/10/2010 Renewals of waivers must be submitted two months before the active waiver expires.								
3. Collective bargaining unit information. Does the district have any employee bargaining units? <u>  </u> No <u>X</u> Yes If yes, please complete required information below: 41376-41378  Bargaining unit(s) consulted on date(s): Temple City Education Association on 4/27/2012  Name of bargaining unit and representative(s) consulted: TCEA, Debra Maurey, President TCEA  The position(s) of the bargaining unit(s): <u>X</u> Neutral <u>  </u> Support <u>  </u> Oppose ( <i>Please specify why</i> )  Comments (if appropriate): The Union does not oppose the application								
4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.  How was the required public hearing advertised?  <u>  </u> Notice in a newspaper <u>X</u> Notice posted at each school <u>  </u> Other: ( <i>Please specify</i> )								
32. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  Date the committee/council reviewed the waiver request: 4/30/2012 - Budget Advisory Committee  Were there any objection(s)? No <u>  </u> Yes <u>X</u> ( <i>If there were objections please specify</i> ) The teachers on the committee were opposed to increasing class sizes in grades 4-6 any further. This is not proposed at this time, but rather keeping the staffing level as it has been over the last two years.								

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**  
GW-1 (10-2-09)

33. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

**Ed Code 41376-41378 – Waive the potential apportionment penalty if the average class size exceeds the limit of 31.9 for grades 4-6 (TCUSD 1964 average is 31.9)**

34. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Our small district has been severely impacted by the reductions in State and Federal funding over the last four years. We have cut many expenditures from our budget, and have laid off both classified and certificated employees. Based on the Governor's January Budget, additional cuts to our budget in 2012/13 will be necessary. These additional cuts will jeopardize instructional programs and will impact student achievement.

Currently, Temple City Unified School District has preserved class sizes of 25:1 in grades K-3. Unfortunately, we will no longer be able to maintain our small class sizes without compromising other instructional programs that are essential to student achievement.

It is our desire to implore the State to waive penalties imposed on increased class sizes per Ed Code 33050, sections 41376 and 41378 in order for Temple City Unified School District to maintain fiscal solvency while preserving student programs and academic success.

35. Demographic Information:  
(*District*)\_ has a student population of 5,746 and is located in a *small city* in Los Angeles County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** No ☒ Yes ☐  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No ☒ Yes ☐  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title: Chief Business Official	Date: 05/23/2012
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

## Temple City Unified School District

### Item 6:

#### Waiver of Class Size Penalties for Grades 4-8

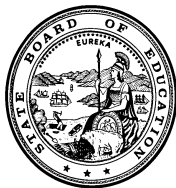
41376(b) and (e) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. ~~(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section. (e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~



# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM W-14**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### ☒ Specific Waiver

##### SUBJECT

Request by **Adelanto Elementary School District**, under the authority of California *Education Code* Section 41382, to waive portions of *Education Code* sections 41376 (a), (c), and (d) and 41378 (a) through (e), relating to class size penalties for kindergarten through grade three. For kindergarten, the overall class size average is 31 to one with no class larger than 33. For grades one through three, the overall class size average is 30 to one with no class larger than 32.

Wavier Number: 34-5-2012

☒ **Action**

☐ **Consent**

##### RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education (CDE), based on the finding below, recommends that the class size penalties for kindergarten through grade three be waived provided that the overall average and individual class size average is not greater than the CDE recommended class size on Attachment 1. The waiver does not exceed two years less one day.

**Finding:** Given the extremely challenging fiscal environment for California schools and the specific financial circumstances described by the district in its waiver application, the State Board of Education (SBE) finds that the district's continued ability to maintain the delivery of instruction and required program offerings in all core subjects, including reading and mathematics, will be seriously compromised by the financial penalties the district would otherwise incur without approval of the requested waiver. In these circumstances, the SBE finds specifically that the class size penalty provisions of *Education Code (EC)* sections 41376 and/or 41378 will, if not waived, prevent the district from developing more effective educational programs to improve instruction in reading and mathematics in the classes specified in the district's application.

##### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Since September 2009, the SBE has approved all kindergarten through grade three class size penalty waiver requests as proposed by CDE. Before the September 2009 board meeting, no waivers had been submitted since 1999.

## SUMMARY OF KEY ISSUES

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*Education Code* Section 41382 allows the SBE to approve an exemption to the class size penalties assessed for kindergarten through grade three if the associated statutory class size requirements prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics. Under this authority, Adelanto Elementary School District (ESD) is requesting a waiver of subdivisions (a) through (e) of *EC* Section 41378, which provide for a penalty if the average class size on a district-wide basis for kindergarten exceeds 31 students or individual class levels exceed 33, and subdivisions (a), (c), and (d) of *EC* Section 41376, which provide for a penalty if the average class size on a district-wide basis for grades one through three exceeds 30 students, or individual class levels exceed 32. Since this particular statute regarding class size limits was written in 1964, given the current fiscal environment in school districts statewide, consideration of this and similar waivers is warranted.

The district requests to eliminate the penalties related to class sizes in kindergarten through grade three for the 2010–11 fiscal year. The district submitted a class size penalty waiver which was approved by the SBE on May 12, 2011. The waiver was approved for an overall average and individual class size not larger than 33. This waiver would replace the existing waiver and change the condition to an overall average not larger than 33 and an individual class size not larger than 34. The waiver is necessary for the district to avoid a penalty of \$325,977 which was applied in 2011–12 because one class went over the limit of 33 by one. The assessed penalty would make it difficult for the district to continue to provide quality education to its students. Since 2008–09 fiscal year, most districts have experienced at least a 10 percent reduction in revenue limit funding in addition to the elimination of statutory cost of living adjustments. Furthermore, payments for over one-quarter of what they are due have been deferred until the next fiscal year. Adelanto ESD states that without the waiver, the core reading and math programs will be compromised by the fiscal penalties incurred.

A positive certification is assigned to a school district that will meet its financial obligations in the current and two subsequent fiscal years. A qualified certification is assigned when a district may not meet its financial obligations for the current or two subsequent fiscal years. A negative certification is assigned when a district will be unable to meet its financial obligations for the remainder of the current year or for the subsequent fiscal year. Adelanto ESD's most recent status is qualified.

The Department recommends, based on the finding above, that the class size penalties for kindergarten through grade three be waived provided the overall average and the individual class size average is not greater than the CDE recommended level shown on Attachment 1. Should the district exceed this new limit, the class size penalty would be applied per statute.

**FISCAL ANALYSIS (AS APPROPRIATE)**

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See Attachment 1 for estimated penalty amount for Adelanto ESD if the waiver is not approved.

**ATTACHMENT(S)**

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Attachment 1: List of Waiver Numbers, Districts, and Information Regarding Each Waiver. (1 page)

Attachment 2: Adelanto School District Specific Waiver Request 34-5-2012 (4 pages)  
(Original waiver request is signed and on file in the Waiver Office.)

## Districts Requesting Kindergarten through Grade 3 Class Size Penalty Waivers

*Education Code* sections 41376 and 41378: For Kindergarten:

Overall average 31; No class larger than 33. For Grades 1-3:

Overall average 30; no class larger than 32.

Waiver Number	District	Period of Request	District's Request	CDE Recommended (New Maximum)	Bargaining Unit, Representatives Consulted, Date, and Position	Local Board and Public Hearing Approval Date	Advisory Committee(s) Consulted, Date/Position	Potential Annual Penalty Without Waiver	Fiscal Status	Previous Waivers
34-5-2012	Adelanto Elementary School District	<b>Requested:</b> July 1, 2011 to June 30, 2012  <b>Recommended:</b> July 1, 2011 to June 29, 2012	For K-3: Overall average 33; no class size larger than 34	For K-3: Overall average 33; no class size larger than 34	Adelanto School District Association, La Nita Dominique, President 5/1/12 <b>Oppose</b>	May 1, 2012	District Advisory Committee 5/9/12 <b>No Objections</b>	\$325,977 FY 2011-12	Qualified	Yes 7/1/10 to 6/29/12

Created by the California Department of Education



CALIFORNIA DEPARTMENT OF EDUCATION

**SPECIFIC WAIVER REQUEST**SW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>

Send Original plus one copy to:  
Waiver Office, California Department of Education

1430 N Street, Suite 5602  
Sacramento, CA 95814

First Time Waiver:   X  Renewal Waiver:       

Send Electronic copy in **Word** and  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		3	6	7	5	0	5	1
Local educational agency:  Adelanto School District		Contact name and Title:  Darin Brawley				Contact person's e-mail address:  Darin_brawley@aesd.net		
Address: (City) (State) (ZIP)  11824 Air Expressway, Adelanto, CA 92301		Phone (and extension, if necessary): (760) 246-8691 Ext. 235 Fax number: (760) 246-4201						
Period of request: (month/day/year)  From: 07/01/2010 To: 06/30/2012				Local board approval date: (Required)  May 1, 2012				
<b>LEGAL CRITERIA</b>								
1. Authority for the waiver: <input checked="" type="checkbox"/> Education Code: 41376 (a,c,d) and 41378 (a through e) Specific code section: 41382 Write the <i>EC</i> Section citation, which allows you to request, or authorizes the waiver of the specific <i>EC</i> Section you want to waive.								
2. <i>Education Code</i> or <i>California Code of Regulations</i> or portion to be waived. Section to be waived: (number) 41376 (a,c,d) and 41378 (a through e) Circle One: <u>EC</u> or CCR  Brief Description of the topic of the waiver: To waive the K-3 class size penalties.								
3. If this is a renewal of a previously approved waiver, please list Waiver No: <u>  N/A  </u> and date of SBE approval <u>  N/A  </u> Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.								
4. Collective bargaining unit information. (Not necessary for <i>EC</i> 56101 waivers)  Does the district have any employee bargaining units? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes, please complete required information below:  Bargaining unit(s) consulted on date(s): Adelanto School District Association (ADTA)  Name of bargaining units and representative(s) consulted: (ADTA)Mrs. La Nita Dominique  The position(s) of the bargaining unit(s): <input type="checkbox"/> Neutral <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose ( <i>Please specify why</i> )  Comments (if appropriate): The Executive Board and Rep Council would not support additional class size								
5. Advisory committee or school site council that reviewed the waiver. Name: District Advisory Council  Per <i>EC</i> 33051(a) if the waiver affects a program that requires a school site council that council must <b>approve</b> the request. Date advisory committee/council reviewed request:  <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Neutral <input type="checkbox"/> Oppose  Were there any objection? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If there were objections please specify)								

CALIFORNIA DEPARTMENT OF EDUCATION  
**SPECIFIC WAIVER REQUEST**  
SW-1 (Rev. 10-2-09)

6.	Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a <b>strike out key</b> if only portions of sections are to be waived). (Attach additional pages if necessary.) <b>“Please See Attached Document Titled: Document A1”</b>
7.	Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)  The District requests a waiver of subdivisions 41376(a,c,d) and 41378 (a through e) for each of our 71 CSR classes in kindergarten, and grades 1 through 3, respectively, for a two year period beginning July 1, 2010 through June 30, 2012. The current State budget crisis has had a significant impact on our District’s budget and our ability to present a positive budget to the San Bernardino County Office of Education. If the waiver is not granted, the District will suffer significant class-size penalties and the loss of the crucial revenue limit funding. The above referenced statute was implemented in 1964. With the current California budget crisis and its impact on school districts statewide, flexibility is needed to maintain programs for students. At the time this statute was written, the Adelanto School District was very small with low class sizes. The waiver request does not violate the collective bargaining agreement which states as follows:  <b>19.1</b> When possible, the maximum class size shall be 20 to 1 in designated class size reduction classrooms. <b>19.2</b> When possible, the maximum class size shall be 30 in non-class size reduction classes.  The District will strive to maintain class sizes as close to 30 as possible with an emphasis on not exceeding 33 students at each of the 71 classes in all of the four grades for which we are seeking this waiver for the 2010-11 and 2011-12 school years. <u>Only if the enrollment grows will the class size be increased.</u> In approving the waiver, the Board gave the direction to have the class sizes at 33 and below throughout the District. The District experienced growth for several school sites during the last few months of 2009-10 that caused classes at a few sites to exceed 30 students. Enrollments have continued to climb in 2010-11 and flexibility is needed to staff at 33 retroactively to the beginning for the year 2010-11 school year. The District is facing up to \$6.2 in budget cuts for 2010-11 through 2011-12. The flexibility is needed to avoid large penalties and remain solvent during these difficult times.
8.	Demographic Information: Adelanto School District has a student population of <u>8243</u> and is located in a rural high-desert community in San Bernardino County. Many students are transported to school due to the geography of the District and location of schools.
<b>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If yes, please attach explanation or copy of audit finding)	
<b>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If yes, please attach explanation or copy of CPM finding)	
<b>District or County Certification</b> – I hereby certify that the information provided on this application is correct and complete.	
Signature of Superintendent or Designee:	Title: Superintendent
	Date: 5/15/12
Signature of SELPA Director (only if a Special Education Waiver)	Date:
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>	
Staff Name (type or print):	Staff Signature:
	Date:
Unit Manager (type or print):	Unit Manager Signature:
	Date:
Division Director (type or print):	Division Director Signature:
	Date:
Deputy (type or print):	Deputy Signature:
	Date:

## Document A1

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

### EC 41378

~~(a) The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class. (b) The total number of pupils which are in excess of thirty three (33) in each class having an enrollment of more than thirty three (33). (c) The total number of pupils by which the average class size in the district exceeds 31. (d) The greater number of pupils as determined in (b) or (c) above. (e) He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (d) of this section by ninety seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

### EC 41376

~~(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.~~

~~(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.~~

## ATTACHMENT 8

### Explanation for need to extend Class Size waiver to 34 for 2011-12 School Year

At the beginning of the 2011-12 School Year, Adelanto School District and specifically George School of Performing Arts experienced unexpected growth. As a result of this growth classes were needed to be added to compensate for the additional students in the school and the district. Due to language in the Collective Bargaining Agreement causing some delays in the ability to move rapidly to make permanent class changes, the permanent classroom teachers were not added until well into the second month of school. After class sizes were reduced in October we were able to project that we would be in compliance with the class size maximums the state has allowed us through the waiver because enrollment to that school and that grade level was capped. During the year there was a parent concern in one of the two classrooms which necessitated the principal moving of one student to the other class. When P2 arrived we found that those days where the two classes were unbalanced at 32 and 34 respectfully caused one class to go over the state average by a total of one student for 13 days. This shift which was done to alleviate a parent concern and ensure student safety caused the district to face a class size penalty of \$350,631. The deficit of this amount will be crippling to the district while continuing to provide a quality education to our students and may cause us to reduce our school year in order to compensate for the penalty as we continue to face budget deficits. We ask that the State Board take into consideration the reason for the overage and allow the district to raise the average to 34 for the 2011-12 school year. We have since put into place a monitoring system thought our Technology Department to ensure that this concern will not happen in the future.

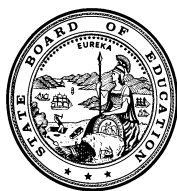
If this waiver is not approved there will be an additional impact on our ability to provide adequate instructional support in language arts and mathematics due to the fiscal impact on our current budget. The impact on our budget due to the financial penalty for exceeding the class size limit in this one class will result in a decrease of services that have supported programs that have resulted in instructional gains in language arts and mathematics. These services would have to be reduced or eliminated. This would result in fewer services to students in need of remediation and intervention in the area of language arts and math. Approval of this waiver is needed to maintain the continuous improvement efforts focused on literacy in language arts and math within the Adelanto School District to benefit our students.



# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM W-15**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### ☒ General Waiver

##### SUBJECT

Request by three districts to waive portions of California *Education Code* Section 41376 (b) and (e), relating to class size penalties for grades four through eight. A district's current class size maximum is the greater of the 1964 statewide average of 29.9 to one or the district's 1964 average.

Waiver Numbers: Inglewood Unified School District 18-6-2012  
Lincoln Unified School District 26-5-2012  
Ramona City Unified School District 36-6-2012

☒ Action

☐ Consent

#### RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education recommends that the class size penalty in grades four through eight be waived provided the class size average is not greater than the recommended new maximum average shown on Attachment 1 for each district. These waivers do not exceed two years less one day, therefore, *Education Code (EC)* Section 33051(b) will not apply, and the districts must reapply to continue the waiver.

#### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Since September 2009, the State Board of Education (SBE) has approved all grades four through eight class size penalty waiver requests. Before the September 2009 board meeting, no waivers had been submitted since 1999.

#### SUMMARY OF KEY ISSUES

The various districts listed on Attachment 1 request a waiver of subdivisions (b) and (e) of *EC* Section 41376, which relates to class size penalties for grades four through eight that reduce a district's revenue limit funding. A class size penalty is assessed for grades four through eight if a district exceeds the greater of the district's class size average in 1964 or the statewide average set in 1964. Statewide, 292 districts out of 883 or 33 percent of districts in California can have a class size average greater than 29.9. The districts listed on Attachment 1 request to temporarily increase class sizes in grades four through eight to reduce expenditures in light of the statewide budget crisis and reductions in revenue limit funding. Since fiscal year 2008–09 most districts have

experienced at least a 10 percent reduction in revenue limit funding in addition to the elimination of statutory cost of living adjustments. Furthermore, payments for over one-quarter if what they are due have been deferred until the next fiscal year.

A positive certification is assigned to a school district that will meet its financial obligations in the current and two subsequent fiscal years. A qualified certification is assigned when a district may not meet its financial obligations for the current or two subsequent fiscal years. A negative certification is assigned when a district will be unable to meet its financial obligations for the remainder of the current year or for the subsequent fiscal year. Each district's most recent status is identified on Attachment 1. The Inglewood Unified School District is expected to be fiscally insolvent in January 2013. The governing board of the district passed a resolution on July 25, 2012 requesting a state emergency loan. At the time this analysis was written, Senate Bill (SB) 533 (Wright), was in the legislative process. If passed, SB 533 will provide for an emergency loan to the district and will require the State Superintendent of Public Instruction to assume all rights, duties, and powers of the governing board of the district and to appoint a state administrator to act on his behalf.

To address funding reductions, districts are using various options in addition to increasing class size, including categorical program spending flexibility, reducing the number of days in the school year, employee furloughs, salary reductions, layoffs, or school closures. The statutes being waived do not preclude a district from increasing class sizes above certain maximums. By denying the waiver, the SBE does not ensure that the districts will not raise class size averages and lose funding.

The Department recommends the class size penalty in grades four through eight be waived for each district provided the class size average is not greater than the recommended new maximum shown on Attachment 1. Should the district exceed this limit, the class size penalty would be calculated as required by statute. The estimated annual penalty should the district increase the class size average without a waiver is provided on Attachment 1.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a), available at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053>.**

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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See Attachment 1 for estimated penalty amounts for each district without the waiver approval.

## **ATTACHMENT(S)**

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Attachment 1: List of Waiver Numbers, Districts, and Information Regarding Each Waiver. (1 page)

Attachment 2: Inglewood Unified School District General Waiver Request 18-6-2012

(4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Lincoln Unified School District General Waiver Request 26-5-2012  
(3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Ramona City Unified School District General Waiver Request 36-6-2012  
(3 pages) (Original waiver request is signed and on file in the Waiver Office.)



### Districts Requesting Grades Four Through Eight Class Size Penalty Waivers

Waiver Number	District	Period of Request	1964 Class Size Average (Current Maximum)	District's Request	CDE Recommended (New Maximum)	Bargaining Unit, Representatives Consulted, Date, and Position	Local Board and Public Hearing Approval Date	Advisory Committee(s) Consulted, Date/Position	Potential Annual Penalty Without Waiver	Fiscal Status	Previous Waivers
18-6-2012	Inglewood Unified School District	<b>Requested:</b> July 2, 2012 to June 29, 2014  <b>Recommended:</b> July 2, 2012 to June 29, 2014	31.5	36	36	Inglewood Teachers Association, Peter Somberg, President 6/7/12 <b>Oppose</b>	June 13, 2012	District Advisory Committee 6/2/12 <b>Objections</b>	\$900,000 each year	Negative	Yes 7/1/11 to 6/30/12
26-5-2012	Lincoln Unified School District	<b>Requested:</b> July 1, 2012 to June 30, 2014  <b>Recommended:</b> July 1, 2012 to June 29, 2014	29.9	31	31	Lincoln Unified Teachers Association, Janet Olmstead, President 5/4/12 <b>Oppose</b>	May 9, 2012	Mable Barron Elementary Site Council and Parent Youth Alliance 5/7/12 <b>No Objections</b>	\$742,303 each year	Positive	Yes 7/1/10 to 6/29/12
36-6-2012	Ramona City Unified School District	<b>Requested:</b> July 1, 2012 to June 30, 2013  <b>Recommended:</b> July 1, 2012 to June 29, 2013	31.1	33	33	Ramona Teachers Association, Donna Braye, President 6/19/12 <b>Oppose</b>	June 25, 2012	District Advisory Committee and School Site Council 6/20/12 <b>No Objections</b>	\$756,085 FY 2012-13	Qualified	No

Created by California Department of Education  
July 23, 2012

CALIFORNIA DEPARTMENT OF EDUCATION

**GENERAL WAIVER REQUEST**GW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
[waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

First Time Waiver: \_\_\_\_\_

Renewal Waiver: X \_\_\_\_\_

Send Electronic copy in **Word** and  
 back-up material to:

		CD CODE												
		1	9	6	4	6	3	4						
Local educational agency:  Inglewood Unified School District		Contact name and Title: Gary McHenry Superintendent of Schools				Contact person's e-mail address: gmchenry@inglewood.k12.ca.us								
Address: (City) (State) (ZIP) 401 S. Inglewood Avenue Inglewood CA 90301		Phone (and extension, if necessary): (310) 419-2707 Fax Number: (310) 680-4811												
Period of request: (month/day/year) From: 7/2/2012 To: 6/29/2014		Local board approval date: (Required) 6/13/2012				Date of public hearing: (Required) 6/13/2012								
<b>LEGAL CRITERIA</b>														
1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the particular <i>Education Code</i> or <i>California Code of Regulations</i> section(s) to be waived (number): 41376 (b) (e) Circle One: <u>(EC)</u> or CCR Topic of the waiver: <b>To Waive the Class Size Penalty (Grades 4-8)</b>														
2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval: _____ Renewals of waivers must be submitted two months before the active waiver expires.														
3. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No <u>X</u> Yes If yes, please complete required information below: <b>Union #1 – Teachers Union</b> Bargaining unit(s) consulted on date(s): June 7, 2012 Name of bargaining unit and representative(s) consulted: <b>Inglewood Teachers' Association (ITA) President: Peter Somberg</b> The position(s) of the bargaining unit(s): ___ Neutral ___ Support <u>X</u> Oppose ( <i>Please specify why</i> ) The ITA President made the following statement, "ITA opposes the waiver of class size maximums in grades 4-8. We too have concerns about increased class sizes having a detrimental effect on student achievement. We further see limitations in the ability to practice differentiated instruction when classes reach these proposed numbers." As per the existing Collective Bargaining Agreement with Inglewood Teacher Association, the class size maximum is as follows: <table style="margin-left: 100px;"> <tr> <td>K-3</td> <td>32</td> </tr> <tr> <td>4-6</td> <td>33</td> </tr> <tr> <td>7-12</td> <td>34</td> </tr> </table> <b>Union #2 – Classified Employees Union</b> Bargaining unit(s) consulted on date(s): June 7, 2012 Name of bargaining unit and representative(s) consulted: <b>Painters and Allied Trades District on behalf of Cal Pro Local Union #2345; President of the CalPro Union – Jameer Ali</b> The position(s) of the bargaining unit(s): <u>X</u> Neutral ___ Support ___ Oppose ( <i>Please specify why</i> )									K-3	32	4-6	33	7-12	34
K-3	32													
4-6	33													
7-12	34													

4. Public hearing requirement: How was the required public hearing advertised?

☒ Notice in a newspaper ☒ Notice posted at each school ☒ Other:

A notice was posted at all district locations as well as on the district website.

A Connect-ED message which sends a telephonic recorded message to every household in the District and to every employee was also used as a means to inform all stakeholders of the public hearing.

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

A District advisory committee comprised of school site council members, as well as other stakeholders, was held to provide an opportunity for the review of the waiver request and to seek input.

Date the committee/council reviewed the waiver request: June 2, 2011

Were there any objection(s)? No \_\_\_ Yes X (If there were objections please specify)

Parents expressed concerns in regards to possible lower student achievement as a result of the proposed increased class size. Parents were not confident in the ability to meet the diverse learning needs of the students with more students in each classroom. There was an additional recommendation made by a parent to establish a new grading system. Another parent voiced that the proposed waiver is not currently aligned to the existing teacher contract and passage of this waiver would not benefit students. There was also support expressed for the waiver from some committee members.

6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

41376(b) and (e) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section. (e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The District is forecasting a deficit of over \$4 million for the 2012-2013 school year. The District has exhausted all reduction options available including reductions in the workforce, waivers on State funding deferrals, implementation of a furlough program, and reductions in ongoing expenditures in all areas to reduce this deficit.

Over 87% of the District's unrestricted budget is comprised of salary and benefits. If the waiver on the class size penalty is approved, the District will be able to reduce staffing expenditures which will move the District toward its goal of fiscal solvency while maintaining its instructional programs.

Inglewood Unified has exhausted all reduction options available and increasing class size is one of the remaining options it has to reduce expenditures and retain its programs. Pursuant to Education Codes 35050-35053, the District may seek a General Waiver Request of Education Code 41376 (b)(c).

If the waiver is not approved, a significant penalty based on California Education Code section 41378 in an approximate amount of \$900,000 will be imposed.

8. Demographic Information:  
Inglewood Unified School District has a student population of 12,316 and is located in an urban city in Los Angeles County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** No X Yes ☐  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No X Yes ☐  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee	Title: Superintendent of Schools	Date: June 7, 2012
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name (type or print):	Staff Signature:	Date:
Unit Manager (type or print):	Unit Manager Signature:	Date:
Division Director (type or print):	Division Director Signature:	Date:
Deputy (type or print):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION

**GENERAL WAIVER REQUEST**GW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>

Send Original plus one copy to:  
 Waiver Office, California Department of Education

1430 N Street, Suite 5602  
 Sacramento, CA 95814

First Time Waiver: \_\_\_\_\_

Renewal Waiver:   X  

Send Electronic copy in **Word** and  
 back-up material to:

[waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		3	9	6	8	5	6	9
Local educational agency: <b>Lincoln Unified School District</b>		Contact name and Title: <b>Rebecca Hall, Associate Superintendent</b>				Contact person's e-mail address: <b>rmhall@lusd.net</b>		
Address: (City) (State) (ZIP) <b>2010 W. Swain Road Stockton CA 95207</b>		Phone (and extension, if necessary): <b>209-953-8716</b> Fax Number: <b>209-472-0813</b>						
Period of request: (month/day/year) From: <b>July 1, 2012 To: June 30, 2014</b>		Local board approval date: (Required) <b>May 9, 2012</b>				Date of public hearing: (Required) <b>May 9, 2012</b>		
<b>LEGAL CRITERIA</b>								
<p>1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the particular <i>Education Code</i> or <i>California Code of Regulations</i> section(s) to be waived (number): <b>EC 41376 (b) and (e)</b> Circle One: <b>EC</b> or <del>CCR</del></p> <p>Topic of the waiver: <b>Waiving class size ratios for grades four through eight</b></p>								
<p>2. If this is a renewal of a previously approved waiver, please list Waiver Number: <b>5-6-2010-W-8</b> and date of SBE Approval: <b>9/16/10</b>          Renewals of waivers must be submitted two months before the active waiver expires.</p>								
<p>3. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No <u>  X  </u> Yes If yes, please complete required information below:</p> <p>Bargaining unit(s) consulted on date(s): <b>Lincoln Unified Teachers Associated (LUTA) 5/4/12</b>  <b>California School Employees Association Local #282 5/3/12</b></p> <p>Name of bargaining unit and representative(s) consulted: <b>LUTA- Janet Olmstead</b>  <b>CSEA- Dorsey McCowan and Dalia Loza</b></p> <p>The position(s) of the bargaining unit(s): ___ Neutral <u>  X  </u> Support <u>  X  </u> Oppose (<i>Please specify why</i>)</p> <p>Comments (if appropriate): CSEA supports the waiver. LUTA does not support the waiver comment-increasing class sizes will adversely affect student learning.</p>								
<p>4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.</p> <p>How was the required public hearing advertised?</p> <p>___ Notice in a newspaper <u>  X  </u> Notice posted at each school <u>  X  </u> Other: (<i>Please specify</i>) posted @ Margaret Troke Library and on district website <a href="http://www.lusd.net">www.lusd.net</a></p>								

9. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  
Mable Barron Elementary Site council meeting, Parent Youth Alliance  
Date the committee/council reviewed the waiver request: 5/7/12

Were there any objection(s)? No  X  Yes \_\_\_\_ (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**  
GW-1 (10-2-09)

10. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

**EC 41376(b) and (e).** The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. ~~(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner:—(1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board.—(2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.—(3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.—~~(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section. ~~(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:—He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

11. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The current collective bargaining agreement between Lincoln Unified School District and the Lincoln Unified Teachers association states, "Class size shall be guided by restrictions established by law unless the district receives a waiver. The District will balance classes in relationship to the needs of the instructional program, provided prudent fiscal management can be maintained." It further states, "Preparation time for teachers in grades 7 and 8 and K-8 sites shall be one period per teaching day or class sizes shall average 25 students per site. This configuration shall be established by majority vote annually by the affected teachers and principal at a specific school site". Currently the class size is 25 in grades 7/8 at our K-8 sites. When this is averaged with the 4-6 class sizes, we are concerned that we will exceed the 1964 average of 29.9.

The Lincoln Unified School District, in an effort to resolve a budget deficit of 19.754% of our current Revenue Limit and over 15 million in state deferrals, is attempting to create as many viable options to address our fiscal situation. The Lincoln Unified School District, is submitting this request for a waiver to increase the district wide student average in grades 4-8 from 29.9 to 31. Continuing at the 29.9 average could have a detrimental effect on the district's operations and its ability to provide class sizes in accordance with the current collective bargaining agreement.

12. Demographic Information:  
(District/school/program) Lincoln Unified School District has a student population of 8990 and is located in a urban (urban, rural, or small city etc.) in San Joaquin County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** No ☒ Yes ☐  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No ☒ Yes ☐  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:	Title: Superintendent	Date:
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name (type or print):	Staff Signature:	Date:
Unit Manager (type or print):	Unit Manager Signature:	Date:
Division Director (type or print):	Division Director Signature:	Date:
Deputy (type or print):	Deputy Signature:	Date:



CALIFORNIA DEPARTMENT OF EDUCATION

**GENERAL WAIVER REQUEST**GW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>**First Time Waiver: X****Renewal Waiver: \_\_\_\_\_**

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

						CD CODE						
						3	7	6	8	3	0	4
Local educational agency:  Ramona Unified School District				Contact name and Title: David Ostermann, Assistant Superintendent, Administrative Services				Contact person's e-mail address: dostermann@ramonausd.net				
Address:		(City)	(State)	(ZIP)	Phone (and extension, if necessary): (760) 787-2023							
720 Ninth Street		Ramona	CA	92065	Fax Number: (760) 788-5381							
Period of request: (month/day/year)			Local board approval date: (Required)			Date of public hearing: (Required)						
From: 7/1/12 To: 6/30/13			June 25, 2012			June 25, 2012						

**LEGAL CRITERIA**

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 41376(b) and (e) Circle One: ☒ EC or CCR

Topic of the waiver: 4-8 Grade Class Size

2. If this is a renewal of a previously approved waiver, please list Waiver Number: \_\_\_\_\_ and date of SBE Approval \_\_\_\_\_  
 Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? ☐ No ☒ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): June 19, 2012

Name of bargaining unit and representative(s) consulted: Ramona Teachers Association, Donna Braye

The position(s) of the bargaining unit(s): ☐ Neutral ☐ Support ☒ Oppose (*Please specify why*)

Comments (if appropriate): Ramona Teachers Association objects to the district's decision to apply for a class size waiver for the 4-8th grade classes because it is not in the best interest of children to place such high numbers of students in the classes as it inhibits their learning potential. We request that this waiver be denied.

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

☒ Notice in a newspaper ☒ Notice posted at each school ☒ Other: (*Please specify*) District office and public library.

13. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: School Site Council, District Advisory Committee (DAC)

Date the committee/council reviewed the waiver request: June 20, 2012

Were there any objection(s)? No X Yes \_\_\_\_ (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**  
GW-1 (10-2-09)

14. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

**See Attached: EC 41376(b) and (e)**

15. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

**The district requests a waiver to increase the district-wide average number of pupils per each full-time equivalent (FTE) from the current 31.1 per FTE (per EC 41376) to 33.0 per FTE for grades 4 through 8.**

**To meet the requirements of EC 41376, the district has to continually add staff at an average cost per new teacher of \$79,635. In light of the current statewide budget crisis and the reduced revenue to school districts, this additional staffing cost has a detrimental effect on the district's operations and ability to provide necessary services.**

16. Demographic Information:  
(District/school/program) Ramona Unified School District has a student population of 6,049 and is located in a rural (urban, rural, or small city etc.) in San Diego County.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** No ☒ Yes ☐  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No ☒ Yes ☐  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:	Title: Superintendent	Date:
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

Staff Name (type or print):	Staff Signature:	Date:
Unit Manager (type or print):	Unit Manager Signature:	Date:
Division Director (type or print):	Division Director Signature:	Date:
Deputy (type or print):	Deputy Signature:	Date:

**Item 6: EC to be waived**

**To Waive the Class Size Penalty (Grades 4-8) Prospectively or Retroactively  
EC 41376 (b) and (e)**

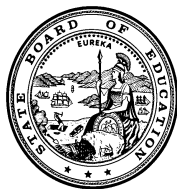
41376(b) and (e) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. ~~(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section. (e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product~~



# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM W-16**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### ☒ General Waiver

##### SUBJECT

Request by two local educational agencies to waive portions of California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act.

Waiver Numbers: Orange Unified 32-6-2012  
Orange Unified 37-6-2012  
Orange Unified 38-6-2012  
Orange Unified 40-6-2012  
Orange Unified 41-6-2012  
Sacramento City Unified 104-2-2012

☒ Action

☒ Consent

##### RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

See Attachments 1, 3, 5, 7, 9, and 11 for details.

##### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California Department of Education (CDE) Waiver Office has previously presented requests to the State Board of Education (SBE) to waive the class size reduction (CSR) target as defined by the Quality Education Investment Act (QEIA). Over 90 percent of CSR waiver requests previously presented have requested adjusted class size averages of 25.0 or lower, and have indicated a commitment to meeting that target for the life of the grant; these have been approved by the SBE. A small number of CSR waiver requests have proposed CSR targets above 25.0; these have been denied.

##### SUMMARY OF KEY ISSUES

##### Class Size Reduction

Schools participating in the QEIA Program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 school year. At that time, local educational agencies (LEAs) were required to demonstrate one-third progress toward full implementation of program requirements. Monitoring for compliance with second-year program requirements was completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year. QEIA schools were required to demonstrate full compliance with all program requirements at the end of the 2010–11 school year.

QEIA schools are required to reduce class sizes by 5 students compared to class sizes in the base year (either 2005–06 or 2006–07), or to an average of 25 students per classroom, whichever is lower, with no more than 27 students per classroom regardless of the average classroom size. The calculation is done by grade level, as each grade level has a target average class size based on QEIA CSR rules. For small schools with a single classroom at each grade level, some grade level targets may be very low. If, for example, a school had a single grade four classroom of 15 students in 2005–06, the school's target QEIA class size for grade four is 10 students. Absent a waiver, an unusually low grade level target may result in a greater number of combination classes at the school, or very small classes at the grade level, which is prohibitively costly and may result in withdrawal or termination from the program.

QEIA schools are required to not increase any other (non-core) class sizes in the school above the size used during the 2005–06 school year.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC 33051(a)*, available at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053>.**

### **FISCAL ANALYSIS (AS APPROPRIATE)**

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There are no statewide costs as a result of waiver approval. If the waiver is denied, the school must implement the CSR targets based on statute requirements to stay in the program. Any school in the program not meeting those targets will risk the loss of future funding. The QEIA statute calls for any undistributed annual QEIA funding to be redistributed to other schools currently in the program (no new schools are funded).

### **ATTACHMENT(S)**

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- Attachment 1: Orange Unified School District Request 32-6-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)
- Attachment 2: Orange Unified School District General Waiver Request 32-6-2012 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 3: Orange Unified School District Request 37-6-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)
- Attachment 4: Orange Unified School District General Waiver Request 37-6-2012 (3 Pages) (Original waiver request is signed and on file in the Waiver Office.)
- Attachment 5: Orange Unified School District Request 38-6-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 6: Orange Unified School District General Waiver Request 38-6-2012  
(4 Pages) (Original waiver request is signed and on file in the Waiver  
Office.)

Attachment 7: Orange Unified School District Request 40-6-2012 for a Quality  
Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 8: Orange Unified School District General Waiver Request 40-6-2012  
(3 Pages) (Original waiver request is signed and on file in the Waiver  
Office.)

Attachment 9: Orange Unified School District Request 41-6-2012 for a Quality  
Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 10: Orange Unified School District General Waiver Request 41-6-2012  
(3 Pages) (Original waiver request is signed and on file in the Waiver  
Office.)

Attachment 11: Sacramento City Unified School District General Waiver Request  
104-2-2012 (2 Pages) (Original waiver request is signed and on file in  
the Waiver Office.)

Attachment 12: Sacramento City Unified School District General Waiver Request  
104-2-2012 (5 Pages) (Original waiver request is signed and on file in  
the Waiver Office.)

**Waiver Number:** 32-6-2012

**Period of Request:** July 1, 2012, to June 30, 2014

**Period Recommended:** July 1, 2012, to June 29, 2014

Portola Middle School  
Orange Unified School District

**CDS Code:** 30 66621 6061725

**Local Educational Agency Request:**

Orange Unified School District (USD) is an urban school district located in Orange County and has a student population of approximately 30,000 students. Portola Middle School (MS) has a student population of approximately 792 students in grades six through eight. The district met the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) in school year 2010–11 and is asking for an alternative QEIA CSR target for school years 2012–13 and 2013–14. The school's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science are 24.4 in grade six, and 25.0 in grades seven and eight.

Orange USD states that holding CSR targets in grade six at 24.4 has burdened the allocation of QEIA funding for teachers' salaries to the point that the Portola MS's QEIA budget will result in a projected negative balance. The district also states that because necessary facilities costs were expended, the QEIA funds have been solely used to support the additional teachers to maintain the CSR targets. The district states that if all classes could be held at the intended 25:1 ratio, the funds for class periods would be preserved for school years 2012–13 and 2013–14.

Orange USD requests a waiver of the QEIA CSR targets for grade six at Portola MS for school years 2012–13 and 2013–14 and the establishment of an alternative CSR target of 25.0 on average in core classes in grade six.

**California Department of Education Recommendation and Conditions:**

The California Department of Education (CDE) supports Orange USD's request to increase its CSR target for grade six at Portola MS.

The CDE recommends approval with the following conditions: (1) Applies only to grade six classes at Portola MS for school years 2012–13 and 2013–14; (2) Portola MS increases enrollment to 25.0 per class on average in core classes in grade six for school year 2012–13 and 2013–14; and (3) Within 30 days of approval of this waiver, Orange USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Portola MS School Site Council on June 1, 2012.

Supported by California School Employees Association and Orange Unified Education Association, May 28 and 29, 2012, respectively.

**Local Board Approval:** June 7, 2012.



CALIFORNIA DEPARTMENT OF EDUCATION

**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09)

<http://www.cde.ca.gov/re/lr/wr/>

**First Time Waiver: X**

**Renewal Waiver: \_\_\_\_\_**

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in **Word** and  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

CD CODE						
3	0	6	6	6	2	1
Local educational agency:  Orange Unified School District		Contact name and Title: Anne Truex, Administrative Director , Accountability and Special Programs		Contact person's e-mail address: atruex@orangeusd.org		
Address: (City) (State) (ZIP) 1401 N. Handy Street, Orange, CA 92867		Phone (and extension, if necessary): 714-628-5405  Fax Number: 714-628-4096				
Period of request: (month/day/year) From: 07/01/2012 To: 06/30/2014		Local board approval date: (Required) 06/7/2012		Date of public hearing: (Required) 06/7/2012		
<b>LEGAL CRITERIA</b>						
<p>1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the particular <i>Education Code</i> or <i>California Code of Regulations</i> section(s) to be waived (number):  <div style="text-align: right;">Circle One: <u>EC</u> or CCR</div> </p> <p>Topic of the waiver: QEIA Class Size Reduction- Portola Middle School</p>						
<p>2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval _____  Renewals of waivers must be submitted two months before the active waiver expires. NA</p>						
<p>3. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No <u>X</u> Yes If yes, please complete required information below:</p> <p>Bargaining unit(s) consulted on date(s): OUEA- 5/29/12; CSEA- 5/28/12</p> <p>Name of bargaining unit and representative(s) consulted: OUEA- Dave Brown, Executive Director; CSEA- John Miller, Chapter #67 President</p> <p>The position(s) of the bargaining unit(s): ___ Neutral <u>X</u> Support ___ Oppose (<i>Please specify why</i>)</p> <p>Comments (if appropriate): Both units have elected to take a "support" position.</p>						
<p>4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.</p> <p>How was the required public hearing advertised?</p> <p>___ Notice in a newspaper <u>X</u> Notice posted at each school ___ Other: (<i>Please specify</i>)</p>						
<p>5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  Portola MS School Site Council  Date the committee/council reviewed the waiver request: June 1, 2012</p> <p>Were there any objection(s)? No <u>X</u> Yes ___ (<i>If there were objections please specify</i>)</p>						

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**  
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.740 (1) Meet all the following class size reduction requirements:

(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is lesser of clause (i) or (ii), as follows:

- (i) ~~At least five pupils fewer per classroom than was the average in 2006-07.~~
- (ii) An average of 25 pupils per classroom.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Continued on attached page:

8. Demographic Information:

Portola has an enrollment of approximately 792 students which are predominantly Latino/Hispanic (83%). 34% are English Language Learners; and 82% receive Free or Reduced Lunch.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** No ☒ Yes ☐  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No ☒ Yes ☐  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title: Assistant Superintendent of Educational Services	Date: June 21, 2012
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

Portola Middle School  
Orange Unified School District

Portola Middle School has seen positive changes due to its involvement in the QEIA program. Teachers participate in over 40 hours of professional development yearly, have ongoing, meaningful collaboration, students receive more individualized attention and monitoring, and student test scores have increased. The current Annual Performance Index (API) is 737

Over the years the CSR targets in 6<sup>th</sup> grade at 24.4 instead of a target of 25, has resulted in a burden of the allocation of QEIA funds for teacher's salaries to the point that Portola's QEIA budget will result in a projected negative balance. Since the planning year, when necessary facilities costs were expended, the QEIA funds have been solely used to support the additional teachers to maintain the CSR targets. We have now reached a point that holding all classes to the intended 25:1 ratio will preserve funds for class periods that can be used in the following years.

Orange Unified requests that all grades 6-8 CSR targets be 25:1 for the next two years. Approval of this waiver for Portola Middle will allow the school to meet the intent of the QEIA program while preserving the funds to provide class size reduction and smaller class instruction. This waiver will allow students to continue to benefit from QEIA program components and receive high levels of instruction to increase their achievement growth.

History of Grade Level Class Size Averages (Grade 6-8) 2006-2012

Grade	2005-06	QEIA CSR Target	2006-07 Base Year CBEDS	2007-08 (Planning)	2008-09 (1/3)	2009-10 (2/3)	2010-11 (All)	2011-12
Grade 6	23.10	24.4	29.4	25.67	20.6	20.87	19.3	21.15
Grade 7	28	25	30.4	24.07	20.5	21.85	21	22.18
Grade 8	40.38	25	31.7	39	20.6	21.13	20	22.53

**Waiver Number:** 37-6-2012

**Period of Request:** July 1, 2012, to June 30, 2014

**Period Recommended:** July 1, 2012, to June 29, 2014

Handy Elementary School  
Orange Unified School District

**CDS Code:** 30 66621 6029805

### **Local Educational Agency Request:**

Orange Unified School District (USD) is an urban school district located in Orange County and has a student population of approximately 30,000 students. Handy Elementary School (ES) has a student population of approximately 495 students in kindergarten and grades one through six. The district met the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) in school year 2010–11 and is asking for an alternative QEIA CSR target for school years 2012–13 and 2013–14. The school's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science are 20.44 in kindergarten and grades one through three, 24.3 for grade four, and 25.0 for grades five and six.

Orange USD states that holding CSR targets in grade four at 24.3 instead of a target of 25:1 has resulted in a burden of the allocation of QEIA funds for teachers' salaries to the point that Handy ES's QEIA budget will result in a projected negative balance at the end of 2012–13. The district also states that because necessary facilities costs were expended, the QEIA funds have been solely used to support the additional teachers to maintain the CSR targets. The district states that if all classes could be held at the intended 25:1 ratio, the funds for QEIA CSR targets would be preserved for school years 2012–13 and 2013–14.

Orange USD requests a waiver of the QEIA CSR targets for grade four at Handy ES for school years 2012–13 and 2013–14 and the establishment of an alternative CSR target of 25.0 on average in core classes in grade four.

### **California Department of Education Recommendation and Conditions:**

The California Department of Education (CDE) supports Orange USD's request to increase its CSR target for grade four at Handy ES.

The CDE recommends approval with the following conditions: (1) Applies only to grade four classes at Handy ES for school years 2012–13 and 2013–14; (2) Handy ES increases enrollment to 25.0 per class on average in core classes in grade four for school years 2012–13 and 2013–14; and (3) Within 30 days of approval of this waiver, Orange USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Handy ES School Site Council on June 4, 2012.

Supported by California School Employees Association and Orange Unified Education Association, May 28 and 29, 2012, respectively.

**Local Board Approval:** June 7, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09)

<http://www.cde.ca.gov/re/lr/wr/>

**First Time Waiver: X**

**Renewal Waiver: \_\_\_\_\_**

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in **Word** and  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		3	0	6	6	6	2	1
Local educational agency:  Orange Unified School District		Contact name and Title: Anne Truex, Administrative Director , Accountability and Special Programs				Contact person's e-mail address: atruex@orangeusd.org		
Address: (City) (State) (ZIP) 1401 N. Handy Street, Orange, CA 92867		Phone (and extension, if necessary): 714-628-5405 Fax Number: 714-628-4096						
Period of request: (month/day/year) From: 07/01/2012 To: 06/30/2014		Local board approval date: (Required) 06/7/2012				Date of public hearing: (Required) 06/7/2012		
<b>LEGAL CRITERIA</b>								
<p>1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the particular <i>Education Code</i> or <i>California Code of Regulations</i> section(s) to be waived (number): Circle One: <u>(EC)</u> or CCR</p> <p>Topic of the waiver: QEIA Class Size Reduction- Handy Elementary</p>								
<p>2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval _____ Renewals of waivers must be submitted two months before the active waiver expires. NA</p>								
<p>3. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No <u>X</u> Yes If yes, please complete required information below:</p> <p>Bargaining unit(s) consulted on date(s): OUEA- 5/29/12; CSEA- 5/28/12</p> <p>Name of bargaining unit and representative(s) consulted: OUEA- Dave Brown, Executive Director; CSEA- John Miller, Chapter #67 President</p> <p>The position(s) of the bargaining unit(s): ___ Neutral <u>X</u> Support ___ Oppose (<i>Please specify why</i>)</p> <p>Comments (if appropriate): Both units have elected to take a "support" position.</p>								
<p>4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.</p> <p>How was the required public hearing advertised?</p> <p>___ Notice in a newspaper <u>X</u> Notice posted at each school ___ Other: (<i>Please specify</i>)</p>								
<p>5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: Handy Elementary School Site Council Date the committee/council reviewed the waiver request: June 4, 2012</p> <p>Were there any objection(s)? No <u>X</u> Yes ___ (<i>If there were objections please specify</i>)</p>								

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**  
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.740 (1) Meet all the following class size reduction requirements:

- (B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is lesser of clause (i) or (ii), as follows:

(i) ~~At least five pupils fewer per classroom than was the average in 2006-07.~~

(ii) An average of 25 pupils per classroom.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Please see attachment

8. Demographic Information:

Handy has an enrollment of 495 students which are are predominantly Latino/Hispanic (92.3%); 67% English Language Learners; and 87% receiving Free or Reduced Lunch.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** No ☒ Yes ☐

(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No ☒ Yes ☐

(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title: Assistant Superintendent of Educational Services	Date: June 21, 2012
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

Handy Elementary School  
Orange Unified School District

Handy Elementary School has seen positive changes due to its involvement in the QEIA program. Teachers participate in over 40 hours of professional development yearly, have ongoing, meaningful collaboration, students receive more individualized attention and monitoring, and student test scores have increased. The current Annual Performance Index (API) grew 55 points last year to 784.

Over the years the CSR targets in 4<sup>th</sup> grade at 24.3 instead of a target of 25:1, has resulted in a burden of the allocation of QEIA funds for teacher's salaries to the point that Handy's QEIA budget will result in a projected negative at the end of 2012-13. Since the planning year, when necessary facilities costs were expended, the QEIA funds have been solely used to support the additional teachers to maintain the CSR targets. We have now reached a point that holding all classes to the intended 25:1 ratio will preserve funds that can be used in the following years.

Orange Unified requests that all grades 4-6 CSR targets be 25:1 for the next two years. Approval of this waiver for Handy Elementary will allow the school to meet the intent of the QEIA program while preserving the funds for salaries to provide class size reduction and smaller class instruction. This waiver will allow students to continue to benefit from QEIA program components and receive high levels of instruction to increase their achievement growth.

History of Grade Level Class Size Averages (Grade K-6) 2006-2012

Grade	2005-06 CBEDS	QEIA CSR Target	2006-07 Base Year	2007-08 (Planning)	2008-09 (1/3)	2009-10 (2/3)	2010-11 (All)	2011-12
Kinder	Option 2 26.0	20.44	Option 2 26.67	Option 2 24.95	Option 2 28	Option 2 28.24	Option 2 29.86	Option 1 19.62
Grade 1	19.2	20.44	19.38	18.04	19.3	19.41	19.77	19.12
Grade 2	18.8	20.44	19.5	18.25	18.7	19.87	17.22	19.77
Grade 3	19.4	20.44	18.14	19.52	19.2	19.93	18.72	19.7
Grade 4	29.3	24.3	30.67	29.37	23.7	22.82	23.74	23.11
Grade 5	30.3	25	26.67	34.20	32.33	23.54	23.2	24.04
Grade 6	30.3	25	31.67	25.67	30.23	25.37	23.31	24.31

**Waiver Number:** 38-6-2012

**Period of Request:** July 1, 2011, to June 30, 2012

**Period Recommended:** July 1, 2011, to June 30, 2012

Fairhaven Elementary School  
Orange Unified School District

**CDS Code:** 30 66621 6029789

**Local Educational Agency Request:**

Orange Unified School District (USD) is an urban school district located in Orange County and has a student population of approximately 30,000 students. Fairhaven Elementary School (ES) has a student population of approximately 517 students in kindergarten and grades one through six. The district indicated that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met in school year 2011–12. The school's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science are 20.44 in kindergarten and grades one through three, 24.3 for grade four, and 25.0 for grades five and six.

Orange USD states that all class sizes were within the required averages with the exception of one kindergarten class which averaged a daily enrollment of 20.49 (or .05 above the requirement). The district states that the community and school staff are committed to continuing and supporting the strong growth shown at Fairhaven ES, as well as the QEIA CSR requirements for 2012–13.

Orange USD requests a waiver for exceeding its QEIA CSR target for one kindergarten class at Fairhaven ES for school year 2011–12 by .05.

**California Department of Education Recommendation and Conditions:**

The California Department of Education (CDE) supports Orange USD's request that CSR requirements for one kindergarten class at Fairhaven ES be waived for school year 2011–12.

The CDE recommends approval with the following conditions: (1) Applies only to one kindergarten class at Fairhaven ES for school year 2011–12; (2) Fairhaven ES will meet previously established QEIA CSR targets beginning in 2012–13 and going forward; and (3) Within 30 days of approval of this waiver, Orange USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Fairhaven ES School Site Council on May 14, 2012.

Supported by California School Employees Association and Orange Unified Education Association, May 28 and 29, 2012, respectively.

**Local Board Approval:** June 7, 2012.



CALIFORNIA DEPARTMENT OF EDUCATION

**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09)

<http://www.cde.ca.gov/re/lr/wr/>

**First Time Waiver: ☒**  
**Renewal Waiver: ☐**

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in **Word** and  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		3	0	6	6	6	2	1
Local educational agency:  Orange Unified School District		Contact name and Title: Anne Truex, Administrative Director , Accountability and Special Programs				Contact person's e-mail address: atrux@orangeusd.org		
Address: (City) (State) (ZIP) 1401 N. Handy Street, Orange, CA 92867		Phone (and extension, if necessary): 714-628-5405  Fax Number: 714-628-4096						
Period of request: (month/day/year) From: 07/01/2011 To: 06/30/2012		Local board approval date: (Required) 06/7/2012				Date of public hearing: (Required) 06/7/2012		
<b>LEGAL CRITERIA</b>								
<p>1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the particular <i>Education Code</i> or <i>California Code of Regulations</i> section(s) to be waived (number): Circle One: <u>EC</u></p> <p>Topic of the waiver: QEIA Class Size Reduction</p>								
<p>2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval _____ Renewals of waivers must be submitted two months before the active waiver expires. NA</p>								
<p>3. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No <u>X</u> Yes If yes, please complete required information below:</p> <p>Bargaining unit(s) consulted on date(s): OUEA- 5/29/12; CSEA- 5/28/12</p> <p>Name of bargaining unit and representative(s) consulted: OUEA- Dave Brown, Executive Director; CSEA- John Miller, Chapter #67 President</p> <p>The position(s) of the bargaining unit(s): ___ Neutral <u>X</u> Support ___ Oppose (<i>Please specify why</i>)</p> <p>Comments (if appropriate): Both units have elected to take a "support" position.</p>								
<p>4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.</p> <p>How was the required public hearing advertised?</p> <p>___ Notice in a newspaper <u>X</u> Notice posted at each school ___ Other: (<i>Please specify</i>)</p>								

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  
Fairhaven Elementary School Site Council  
Date the committee/council reviewed the waiver request: May 14, 2012

Were there any objection(s)? No X Yes \_\_\_\_ (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION

**GENERAL WAIVER REQUEST**

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.740 (1) Meet all the following class size reduction requirements:

- (A) For ~~kindergarten~~ and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reeducation Program (Chapter 6, 10 (commencing with Section 52120)).

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Please see attachment

8. Demographic Information:  
Fairhaven students are predominantly Latino/Hispanic (93%); 70% English Language Learners; and 86% receiving Free or Reduced Lunch. Just over half of the students at Fairhaven Elementary come from households with limited education completion (no high school diploma); yet family and parent/guardian participation in the classroom continues to increase.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** No ☒ Yes ☐  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No ☒ Yes ☐  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:	Title: Assistant Superintendent of Educational Services	Date: June 21, 2012
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name (type or print):	Staff Signature:	Date:
Unit Manager (type or print):	Unit Manager Signature:	Date:

Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

Fairhaven Elementary School  
Orange Unified School District

Local Educational Agency Request:

Fairhaven Elementary is part of the Orange Unified School District, an urban school district located in Orange County, which serves nearly 30,000 students. Fairhaven is an inclusive, neighborhood school that currently serves 517 students from kindergarten through sixth grade. Monitoring by the district indicates that the Class Size Reduction (CSR) requirement of the Quality Education Investment Act (QEIA) was not fully met by Fairhaven Elementary School in one of thirty classrooms in the 2011-2012 school year.

Orange Unified School District states that all class sizes were within the required averages with the exception of one Kindergarten class at Fairhaven Elementary. The community, school staff, and district are committed to continuing and supporting the strong growth shown at Fairhaven Elementary, as the school has even been nominated for a National Blue Ribbon Award attributed to its ability to better service children through the advantages of lower class size. The school is committed to meet the QEIA CSR requirements for 2012-2013.

Orange Unified School District is requesting a waiver for exceeding its CSR target in one Kindergarten class by .05, translating into seven school days.

Rationale:

QEIA implementation at Fairhaven Elementary School has been critical to the success of our students. Teachers began more meaningful collaboration, students received more individualized attention and monitoring, and student test scores began to rise. The current Annual Performance Index (API) is 768, and all subgroups have met annual growth targets for five consecutive years. Fairhaven was one of the four schools in Orange County, California to exit the Program Improvement category in 2010 as a result of an increase in state testing scores of over ninety points in the last two years. The school was also one of 35 schools in the state to be nominated for a National Blue Ribbon Award.

Fairhaven Elementary has been compliant in all facets of the QEIA requirements since inception, including Teacher Experience Index, Williams Settlement reviews, professional development for staff, and the retention of High-Quality Teachers, with the exception of one Kindergarten class averaging daily enrollment at 20.49 (or .05 above the requirement). All other grades in all other academic years met the required target for CSR. It would be devastating to the learning community to interrupt such excellent progress attributed to the advantages of QEIA funding.

Desired Outcome:

Orange Unified School District and Fairhaven Elementary School are requesting a waiver for the Class Size in one Kindergarten class for the 2011-2012 school year. It is believed that

approving this waiver will allow the school to continue to succeed in serving a much deserved student population and is aligned to the intent of the QEIA legislation to improve school performance through class size reduction.

#### History of Grade Level Class Size Averages (Grade K-6) 2006-2012

Grade	2005-06 CBEDS	QEIA CSR Target	2006-07 Base Year	2007-08 (Planning)	2008-09 (1/3)	2009-10 (2/3)	2010-11 (All)	2011-12	2012-13 Projected
Kinder	Option 2 26.8	20.44	Option 2 26.04	Option 2 32.46	Option 2 30.7	Option 2 28.06	Option 2 33.33	Option 1 20.2	20.44
Grade 1	20.4	20.44	18.93	18.91	19.7	18.35	18.66	19.44	20.44
Grade 2	19.3	20.44	19.8	19.84	18.7	18.9	18.25	19.04	20.44
Grade 3	19.0	20.44	19.97	18.85	19.4	18.2	17.75	18.2	20.44
Grade 4	30.3	25	31	29.46	23.1	24.06	22.03	24.22	25
Grade 5	28.0	23	29	31.81	30.55	20.2	21.94	20.52	23
Grade 6	26.7	21.7	32.6	32.6	31.9	31.50	19.68	19.89	21.7

**Waiver Number:** 40-6-2012

**Period of Request:** July 1, 2012, to June 30, 2014

**Period Recommended:** July 1, 2012, to June 29, 2014

Esplanade Elementary School  
Orange Unified School District

**CDS Code:** 30 66621 6029771

**Local Educational Agency Request:**

Orange Unified School District (USD) is an urban school district located in Orange County and has a student population of approximately 30,000 students. Esplanade Elementary School (ES) has a student population of approximately 492 students in kindergarten and grades one through six. The district met the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) in school year 2010–11 and is asking for an alternative QEIA CSR target for school years 2012–13 and 2013–14. The school's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science are 20.44 in kindergarten and grades one through three, 24.3 for grade four, and 25.0 for grades five and six.

Orange USD states that holding CSR targets in grade five at 23.5 instead of a target of 25:1 has resulted in a burden of the allocation of QEIA funds for teachers' salaries to the point that Esplanade ES's QEIA budget will result in a projected negative balance at the end of 2012–13. The district also states that because necessary facilities costs were expended, the QEIA funds have been solely used to support the additional teachers to maintain the CSR targets. The district states that if all classes could be held at the intended 25:1 ratio, the funds for QEIA CSR targets would be preserved for school years 2012–13 and 2013–14.

Orange USD requests a waiver of the QEIA CSR targets for grade five at Esplanade ES for school years 2012–13 and 2013–14 and the establishment of an alternative CSR target of 25.0 on average in core classes in grade five.

**California Department of Education Recommendation and Conditions:**

The California Department of Education (CDE) supports Orange USD's request to increase its CSR target for grade five at Esplanade ES.

The CDE recommends approval with the following conditions: (1) Applies only to grade five classes at Esplanade ES for school years 2012–13 and 2013–14; (2) Esplanade ES increases enrollment to 25.0 per class on average in core classes in grade five for school years 2012–13 and 2013–14; and (3) Within 30 days of approval of this waiver, Orange USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Esplanade ES School Site Council on May 14, 2012.

Supported by California School Employees Association and Orange Unified Education Association, May 28 and 29, 2012, respectively.

**Local Board Approval:** June 7, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09)

<http://www.cde.ca.gov/re/lr/wr/>

**First Time Waiver: X**

**Renewal Waiver: \_\_\_\_\_**

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in **Word** and  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

CD CODE						
3	0	6	6	6	2	1
Local educational agency:  Orange Unified School District		Contact name and Title: Anne Truex, Administrative Director , Accountability and Special Programs		Contact person's e-mail address: atruex@orangeusd.org		
Address: (City) 1401 N. Handy Street, Orange, CA 92867		(State) (ZIP)		Phone (and extension, if necessary): 714-628-5405  Fax Number: 714-628-4096		
Period of request: (month/day/year) From: 07/01/2012 To: 06/30/2014		Local board approval date: (Required) 06/7/2012		Date of public hearing: (Required) 06/7/2012		
<b>LEGAL CRITERIA</b>						
<p>1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the particular <i>Education Code</i> or <i>California Code of Regulations</i> section(s) to be waived (number): Circle One: <u>EC</u> or CCR</p> <p>Topic of the waiver: QEIA Class Size Reduction- Esplanade Elementary</p>						
<p>2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval _____ Renewals of waivers must be submitted two months before the active waiver expires. NA</p>						
<p>3. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No <u>X</u> Yes If yes, please complete required information below:</p> <p>Bargaining unit(s) consulted on date(s): OUEA- 5/29/12; CSEA- 5/28/12</p> <p>Name of bargaining unit and representative(s) consulted: OUEA- Dave Brown, Executive Director; CSEA- John Miller, Chapter #67 President</p> <p>The position(s) of the bargaining unit(s): ___ Neutral <u>X</u> Support ___ Oppose (<i>Please specify why</i>)</p> <p>Comments (if appropriate): Both units have elected to take a "support" position.</p>						
<p>4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.</p> <p>How was the required public hearing advertised?</p> <p>___ Notice in a newspaper <u>X</u> Notice posted at each school ___ Other: (<i>Please specify</i>)</p>						
<p>5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: Esplanade Elementary School Site Council Date the committee/council reviewed the waiver request: May 14, 2012</p> <p>Were there any objection(s)? No <u>X</u> Yes ___ (<i>If there were objections please specify</i>)</p>						

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**  
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.740 (1) Meet all the following class size reduction requirements:

- (B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is lesser of clause (i) or (ii), as follows:  
(i) ~~At least five pupils fewer per classroom than was the average in 2006-07.~~  
(ii) An average of 25 pupils per classroom.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Please see attachment

8. Demographic Information:

Esplanade has an enrollment of approximately 492 students which are predominantly Latino/Hispanic (92%); 67% English Language Learners; and 88% receiving Free or Reduced Lunch.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** No ☒ Yes ☐

(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No ☒ Yes ☐

(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title: Assistant Superintendent of Educational Services	Date: June 21, 2012
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

Esplanade Elementary School  
Orange Unified School District

Esplanade Elementary School has seen positive changes due to its involvement in the QEIA program. Teachers participate in over 40 hours of professional development yearly, have ongoing, meaningful collaboration, students receive more individualized attention and monitoring, and student test scores have increased. The current Annual Performance Index (API) grew 23 points last year to 797.

Over the years the CSR targets in 5<sup>th</sup> grade at 23.5 instead of a target of 25:1, has resulted in a burden of the allocation of QEIA funds for teacher's salaries to the point that Esplanade's QEIA budget will result in a projected negative at the end of 2012-13. Since the planning year, when necessary facilities costs were expended, the QEIA funds have been solely used to support the additional teachers to maintain the CSR targets. We have now reached a point that holding all classes to the intended 25:1 ratio will preserve funds that can be used in the following years.

Orange Unified requests that all grades 4-6 CSR targets be 25:1 for the next two years. Approval of this waiver for Esplanade Elementary will allow the school to meet the intent of the QEIA program while preserving the funds for salaries to provide class size reduction and smaller class instruction. This waiver will allow students to continue to benefit from QEIA program components and receive high levels of instruction to increase their achievement growth.

History of Grade Level Class Size Averages (Grade K-6) 2006-2012

Grade	2005-06 CBEDS	QEIA CSR Target	2006-07 Base Year	2007-08 (Planning)	2008-09 (1/3)	2009-10 (2/3)	2010-11 (All)	2011-12
Kinder	Option 2 29.67	20.44	Option 2 26.04	Option 2 32.46	Option 2 26.7	Option 2 28.56	Option 2 26.81	Option 1 18.61
Grade 1	19.47	20.44	18.93	18.91	19.3	19.05	19.09	19.91
Grade 2	18.64	20.44	19.8	19.84	19.6	19.57	17.88	19.86
Grade 3	18.93	20.44	19.97	18.85	20.4	17.91	18.43	19.52
Grade 4	30.5	25	31	29.46	25.1	24.53	23.52	22.65
Grade 5	34	23.0	29	31.81	30.55	24.79	21.76	21.56
Grade 6	36.5	25	32	32.6	31.90	30.5	24.51	22



**Waiver Number:** 41-6-2012

**Period of Request:** July 1, 2012, to June 30, 2014

**Period Recommended:** July 1, 2012, to June 29, 2014

Fairhaven Elementary School  
Orange Unified School District

**CDS Code:** 30 66621 6029789

**Local Educational Agency Request:**

Orange Unified School District (USD) is an urban school district located in Orange County and has a student population of approximately 30,000 students. Fairhaven Elementary School (ES) has a student population of approximately 517 students in kindergarten and grades one through six. The district met the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) in school year 2010–11 and is asking for an alternative QEIA CSR target for school years 2012–13 and 2013–14. The school's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science are 20.44 in kindergarten and grades one through three, 25.0 for grade four, 23.0 for grade five, and 21.7 for grade six.

Orange USD states that the CSR targets in grade five at 23.0 and grade six at 21.7 has resulted in a burden of the allocation of QEIA funds for teachers' salaries to the point that Fairhaven's QEIA budget will result in a projected negative at the end of 2012–13. The district also states that the QEIA funds have been solely used to support the additional teachers to maintain the CSR targets. The district concludes by stating that they are at a point whereby holding all classes to the intended 25:1 ratio will preserve funds that can be used in school years 2012–13 and 2013–14.

Orange USD requests a waiver of the QEIA CSR targets for grades five and six at Fairhaven ES for school years 2012–13 and 2013–14 and the establishment of an alternative CSR target of 25.0 on average in core classes in grades five and six.

**California Department of Education Recommendation and Conditions:**

The California Department of Education (CDE) supports Orange USD's request to increase its CSR target for grades five and six at Fairhaven ES.

The CDE recommends approval with the following conditions: (1) Applies only to grades five and six at Fairhaven ES for school years 2012–13 and 2013–14; (2) Fairhaven ES increases enrollment to 25.0 per class on average in core classes in grades five and six for school years 2012–13 and 2013–14; and (3) Within 30 days of approval of this waiver, Orange USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Fairhaven ES School Site Council on May 14, 2012.

Supported by California School Employees Association and Orange Unified Education Association, May 28 and 29, 2012, respectively.

**Local Board Approval:** June 7, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09)

<http://www.cde.ca.gov/re/lr/wr/>

**First Time Waiver: X**

**Renewal Waiver:**

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in **Word** and  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

CD CODE						
3	0	6	6	6	2	1
Local educational agency:  Orange Unified School District		Contact name and Title: Anne Truex, Administrative Director , Accountability and Special Programs			Contact person's e-mail address: atruex@orangeusd.org	
Address: (City) (State) (ZIP) 1401 N. Handy Street, Orange, CA 92867		Phone (and extension, if necessary): 714-628-5405  Fax Number: 714-628-4096				
Period of request: (month/day/year) From: 07/01/2012 To: 06/30/2014		Local board approval date: (Required) 06/7/2012		Date of public hearing: (Required) 06/7/2012		
<b>LEGAL CRITERIA</b>						
1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the particular <i>Education Code</i> or <i>California Code of Regulations</i> section(s) to be waived (number):  Circle One: <u>EC</u> or CCR  Topic of the waiver: QEIA Class Size Reduction- Fairhaven Elementary						
2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval _____ Renewals of waivers must be submitted two months before the active waiver expires. NA						
3. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No <u>X</u> Yes If yes, please complete required information below:  Bargaining unit(s) consulted on date(s): OUEA- 5/29/12; CSEA- 5/28/12  Name of bargaining unit and representative(s) consulted: OUEA- Dave Brown, Executive Director; CSEA- John Miller, Chapter #67 President  The position(s) of the bargaining unit(s): ___ Neutral <u>X</u> Support ___ Oppose ( <i>Please specify why</i> )  Comments (if appropriate): Both units have elected to take a "support" position.						
4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.  How was the required public hearing advertised?  ___ Notice in a newspaper <u>X</u> Notice posted at each school ___ Other: ( <i>Please specify</i> )						
5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: Fairhaven Elementary School Site Council Date the committee/council reviewed the waiver request: May 14, 2012  Were there any objection(s)? No <u>X</u> Yes ___ ( <i>If there were objections please specify</i> )						

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**  
GW-1 (10-2-09)

<p>6. <i>Education Code</i> or <i>California Code of Regulations</i> section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a <b>strike out key</b>).</p> <p>52055.740 (1) Meet all the following class size reduction requirements:</p> <p style="margin-left: 40px;">(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is lesser of clause (i) or (ii), as follows:</p> <p style="margin-left: 80px;">(i) <del>At least five pupils fewer per classroom than was the average in 2006-07.</del></p> <p style="margin-left: 80px;">(ii) An average of 25 pupils per classroom.</p>		
<p>7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.</p> <p style="margin-left: 40px;">Please see attached</p>		
<p>8. Demographic Information:</p> <p>Fairhaven has an enrollment of approximately 502 students which are predominantly Latino/Hispanic (93%); 70% English Language Learners; and 86% receiving Free or Reduced Lunch. Just over half of the students at Fairhaven Elementary come from households with limited education completion (no high school diploma); yet family and parent/guardian participation in the classroom continues to increase.</p>		
<p><b>Is this waiver associated with an apportionment related audit penalty? (per EC 41344)</b> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/></p> <p>(If yes, please attach explanation or copy of audit finding)</p> <p><b>Has there been a Categorical Program Monitoring (CPM) finding on this issue?</b> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/></p> <p>(If yes, please attach explanation or copy of CPM finding)</p>		
<p><b>District or County Certification</b> – <i>I hereby certify that the information provided on this application is correct and complete.</i></p>		
Signature of Superintendent or Designee:	Title: Assistant Superintendent of Educational Services	Date: June 21, 2012
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

Fairhaven Elementary School  
Orange Unified School District

Fairhaven Elementary School has seen positive changes due to its involvement in the QEIA program. Teachers participate in over 40 hours of professional development yearly, have ongoing, meaningful collaboration, students receive more individualized attention and monitoring, and student test scores have increased. The current Annual Performance Index (API) is 768, and all subgroups have met annual growth targets for five consecutive years. Fairhaven was one of the four schools in Orange County, California to exit the Program Improvement category in 2010 as a result of an increase in state testing scores of over ninety points in the last two years. The school was also one of 35 schools in the state to be nominated for a National Blue Ribbon Award.

Over the years the CSR targets in 4<sup>th</sup> grade at 23.0 and 6<sup>th</sup> grade at 21.7 instead of a target of 25, has resulted in a burden of the allocation of QEIA funds for teacher's salaries to the point that Fairhaven's QEIA budget will result in a projected negative at the end of 2012-13. Since the planning year, when necessary facilities costs were expended, the QEIA funds have been solely used to support the additional teachers to maintain the CSR targets. We have now reached a point that holding all classes to the intended 25:1 ratio will preserve funds that can be used in the following years.

Orange Unified requests that all grades 4-6 CSR targets be 25:1 for the next two years. Approval of this waiver for Fairhaven Elementary will allow the school to meet the intent of the QEIA program while preserving the funds for salaries to provide class size reduction and smaller class instruction. This waiver will allow students to continue to benefit from QEIA program components and receive high levels of instruction to increase their achievement growth.

History of Grade Level Class Size Averages (Grade K-6) 2006-2012

Grade	2005-06 CBEDS	QEIA CSR Target	2006-07 Base Year	2007-08 (Planning)	2008-09 (1/3)	2009-10 (2/3)	2010-11 (All)	2011-12
Kinder	Option 2 26.8	20.44	Option 2 26.04	Option 2 32.46	Option 2 30.7	Option 2 28.06	Option 2 33.33	Option 1 20.2
Grade 1	20.4	20.44	18.93	18.91	19.7	18.35	18.66	19.44
Grade 2	19.3	20.44	19.8	19.84	18.7	18.9	18.25	19.04
Grade 3	19.0	20.44	19.97	18.85	19.4	18.2	17.75	18.2
Grade 4	30.3	25	31	29.46	23.1	24.06	22.03	24.22
Grade 5	28.0	23	29	31.81	30.55	20.2	21.94	20.52
Grade 6	26.7	21.7	32.6	32.6	31.9	31.50	19.68	19.89

**Waiver Number:** 104-2-2012

**Period of Request:** July 1, 2010, to June 30, 2014

**Period Recommended:** July 1, 2010, to June 29, 2012

Hiram Johnson High School

**CDS Code:** 34 67439 3434636

Sacramento City Unified School District

### **Local Educational Agency Request:**

Sacramento City Unified School District (USD) is an urban school district located in Sacramento County with a student population of approximately 47,896 students. Hiram Johnson High School (HS) has a student population of approximately 1,600 students in grades nine through twelve. Monitoring performed by the Sacramento County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Hiram Johnson HS for school year 2010–11 and the district is asking for an alternative QEIA CSR target for school years 2011–12 through 2013–14. The school's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science for grades nine through twelve are 17.6, 21.0, 20.6, and 17.8, respectively. Hiram Johnson HS also exceeded the QEIA class size cap of 27 students per classroom.

Sacramento City USD states that the lower class sizes have always been important and the strategy has contributed to the increased achievement and academic performance of all students. The district states that it has reached a point at which an increase in baseline targets is necessary to maintain the momentum that will help move Hiram Johnson HS out of Program Improvement status.

Sacramento City USD requests a waiver of the QEIA CSR targets for grades nine through twelve at Hiram Johnson HS for school years 2011–12 through 2013–14 and the establishment of an alternative CSR target of 22.0 on average in grades nine through twelve. The district is also requesting a waiver for exceeding the QEIA 27-student cap per core classroom CSR requirement for two Algebra 2 classes for school year 2010–11.

### **California Department of Education Recommendation and Conditions:**

The California Department of Education (CDE) supports Sacramento City USD's request to increase its CSR target for grades nine through twelve and to waive the QEIA 27-student cap per core classroom CSR requirement for two Algebra 2 classes at Hiram Johnson HS.

The CDE recommends approval with the following conditions: (1) Applies only to grades nine through twelve classes at Hiram Johnson HS for the period July 1, 2010, through June 29, 2012; (2) Applies to two Algebra 2 classes at Hiram Johnson HS that exceeded the QEIA 27-student cap per core classroom CSR requirement for school year 2010–11; (3) Hiram Johnson HS increase to 22.0 the class size on average in core classes at the school level in grades nine through twelve, with no class exceeding 27 for the period July 1, 2010, through June 29, 2012; and (4) Within 30 days of approval of

this waiver, Sacramento City USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Hiram Johnson High School Site Council on February 1, 2012.

Supported by Sacramento City Teachers Association, January 31, 2012.

**Local Board Approval:** February 16, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09)

<http://www.cde.ca.gov/re/lr/wr/>

First Time Waiver:   X  

Renewal Waiver:           

Send Original plus one copy to:  
Waiver Office, California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814

Send Electronic copy in **Word** and  
back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

CD CODE					
3	4	6	7	4	3
3	4	6	7	4	3
Local educational agency: <b>Sacramento City Unified School District</b> <b>Hiram Johnson High School</b>		Contact name and Title: <b>Mary Hardin Young, Area Asst. Supt</b> <b>Felisberto Cedros, Principal</b>		Contact e-mail: <b>mary-hardinyoung@scusd.edu</b>	
Address: (City) (State) (ZIP) <b>5735 47<sup>th</sup> Avenue Sacramento California 95824</b>		Phone (and extension, if necessary): <b>916-643-9009</b>  FAX Number: <b>916-643-2535</b>			
Period of request: (month/day/year) From: <b>July 1, 2010 To: June 30, 2014</b>		Local board approval date: (Required) <b>February 16, 2012</b>		Date of public hearing: (Required) <b>February 16, 2012</b>	
<b>LEGAL CRITERIA</b>					
1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the particular <i>Education Code</i> or <i>California Code of Regulations</i> section(s) to be waived (number): <b>52055.740 (1.i) and 52055.740 (1.iii)</b> Circle One: <u>  EC  </u> or <i>CCR</i>					
Topic of the waiver: <b>QEIA – Class Size Reduction</b>					
2. If this is a renewal of a previously approved waiver, please list Waiver Number: <u>          </u> and date of SBE Approval <u>          </u> Renewals of waivers must be submitted two months before the active waiver expires. <span style="float: right;"><b>Not Applicable</b></span>					
3. Collective bargaining unit information. Does the district have any employee bargaining units? <u>  </u> No <u>  X  </u> Yes If yes, please complete required information below:  Bargaining unit(s) consulted on date(s): <b>January 31, 2012</b>  Name of bargaining unit and representative(s) consulted: <b>Sacramento City Teachers' Association</b> <b>Scott Smith, President</b>  The position(s) of the bargaining unit(s): <u>  </u> Neutral <u>  X  </u> Support <u>  </u> Oppose ( <i>Please specify why</i> )  Comments (if appropriate):					
4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.  How was the required public hearing advertised?  <u>          </u> Notice in a newspaper <u>  X  </u> Notice posted at each school <u>  X  </u> Other: ( <i>Please specify</i> ) SCUSD Website and Main Office					
5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: Hiram Johnson School Site Council Date the committee/council reviewed the waiver request: <b>February 1, 2012</b>  Were there any objection(s)? No <u>  X  </u> Yes <u>          </u> ( <i>If there were objections please specify</i> )					

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**  
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

**52055.740.** (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

- (1) Meet all of the following class size requirements:

(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:

(i) ~~At least five pupils fewer per classroom than was the average in 2006-07.~~

(ii) An average of 25 pupils per classroom.

(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that grade at the school site. If the subject-specific classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article ~~shall not have a class in~~ English language arts, reading, mathematics, science, or history and social science in grades 4 to 12, inclusive, ~~with more than 27 pupils regardless of its average classroom size.~~

~~(4) Meet all the requirement of the settlement agreement in Williams v. State of California (Case Number cGC-00-312236 of the Superior Court for the County of San Francisco), including, among other things, the requirements regarding teachers, instruction materials, and school facilities, by the end of the first full year of funding, and in each year of funding thereafter.~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

**See attached -**

8. Demographic Information:  
Hiram Johnson High School has a student population of approximately 1,600 and is located in an urban area in Sacramento County. The demographic makeup of the student population is approximately 33% Asian, 39% Hispanic, 13% African American, 10% White and 5% others. The community socioeconomic makeup is reflected in our student population with 32% English learners receiving EL services, 85% receiving free or reduced lunch, and 14% receiving special education services.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** No ☒ Yes ☐  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No ☒ Yes ☐  
(If yes, please attach explanation or copy of CPM finding)



<b>District or County Certification</b> – <i>I hereby certify that the information provided on this application is correct and complete.</i>		
Signature of Superintendent or Designee:	Title:	Date:
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

## **7. Desired Outcome/Rationale**

Sacramento Unified School District requests on behalf of Hiram Johnson High School a permanent QEIA target of 22:1 for grades 9 to 12, and a one-time waiver, for the 2010-11 school year, of class maximum of 27 students for two Algebra 2 classes and two teacher misassignments in the Williams Settlement Agreement. The approval of this waiver would allow Hiram Johnson to fiscally support and meet all of the QEIA component mandates for the time periods of July 1, 2010 to June 30, 2014. Hiram Johnson High School is a Title I school with approximately 85% of its students receiving free or reduced lunch, 32% receiving English Learners services, and 14% receiving special education services.

The fall of 2010-11 saw dramatic changes at Hiram Johnson High School. Because of the school's persistent low academic performance and physical decline, the school was designated a "Superintendent's Priority School". The school was assigned a new administrative team who found the school to be without an appropriate infrastructure and system of operation to support student learning, as well as an absence of teachers holding appropriate credentials. A master schedule was not in established, the curriculum and program were outdated and not aligned to the state or district standards. The current structure had segregated EL and Special Education students and was lacking discipline practices to support students to be successful.

CSR: Lower class sizes have always been important to SCUSD, and the strategy has contributed to the increased achievement and academic performance of all students. With four administrative changes in the past five years and 25% of the students moving in and/or out of the school during the school year, Hiram Johnson's ability to meet the Class Size Reduction (CSR) targets has been extremely challenging. Changes in the state's CSR funding to districts have also impacted the site's ability to maintain smaller class sizes. By creatively exhausting all flexible funding sources, Hiram Johnson has managed to successfully staff CSR targets for the past three years. We have now reached a point at which an increase of our baseline targets is necessary to maintain the momentum that will help move Hiram Johnson High School out of Program Improvement status. Approval of this waiver to establish new class sizes of 22:1 in the 9<sup>th</sup> through 12<sup>th</sup> grades would allow

students to continue to benefit from small class sizes and to receive high levels of instruction and maintain the achievement growth that the school experienced during the last year.

In addition, Hiram Johnson High School experienced another difficult staffing issue during the 2010-2011 school year with five teachers leaving their positions mid-year for various reasons. While the administrative team was able to cover the other teacher vacancies, they searched unsuccessfully to fill the two math positions that were left vacant. It became necessary to dissolve their sections in order for the students to receive instruction from the remaining skilled math teachers. Approval of a permanent CSR target of 22:1 for grades 9 to 12, and to waive the class size maximum of 27 in two Algebra II classes, for 2010-11 only, will permit Hiram Johnson High School to maintain and to continue to receive QEIA funding for the 2012-2014.

Williams Settlement Agreement: Due to lack of qualified certificated staff, Hiram Johnson High School could not find teachers with the appropriate credentials to teach one elective course of Yearbook and one of Robotics. Having the most experienced teachers with the appropriate credential has always been an important hiring factor in SCUSD, and the district understands how that practice has positively contributed to the increased academic success of all students. When Hiram Johnson was designated as one of SCUSD's "Superintendent's Priority Schools", the most critical personnel task was to secure HQT teachers to teach all core subjects, which the team accomplished. However, they could not find qualified staff with the appropriate credential to teach the one section of Yearbook and one section of Robotics. This situation was corrected for the 2011-12 school year. Waiving the two sections of the Williams Settlement assignments, from the 2010-11 school year only, will allow Hiram Johnson High School to maintain and continue to receive QEIA funding.

Hiram Johnson has met the spirit of the law and has improved the quality of academic instruction and the level of student achievement significantly in the past year. Once named a "Superintendent's Priority School" the new administration initiated new instructional initiatives and restructured the school policies, operations and procedures. The Highly Qualified Teachers received at least 40 hours of targeted professional development and collaborative planning time to improve their curriculum knowledge and instructional skills, and their understanding of using data to guide instruction. The effort led to an outstanding academic, behavior and attendance improvement. The school API almost doubled its past ten year's API gains in one year with 60 API point gain to 671 in 2011. The gain was one of the highest in the Sacramento County. The increased attendance rate and decreased suspension rate were among the most improved in the District. The table below paints a much clearer picture of the amount of progress Hiram Johnson had made with its QEIA funding in 2010.

**2011 Hiram Johnson Growth API Report**

	<b>Number of Students Included</b>	<b>2011 Growth</b>	<b>2010 Base</b>	<b>2010-11 Growth Target</b>	<b>2010-11 Growth</b>	<b>Met Growth Target</b>
School Wide	1130	671	612	9	59	Yes
Black or African American	118	559	484	16	75	Yes

Asian	361	722	695	5	27	Yes
Hispanic or Latino	455	651	577	11	74	Yes
White	102	717	642	8	75	Yes
Socioeconomically Disadv	986	668	615	9	53	Yes
English Learners	599	656	596	10	60	Yes
Students with Disabilities	145	441	396	20	45	Yes

California Department of Education, Analysis, Measurement and Accountability Reporting Division, November 29, 2011.

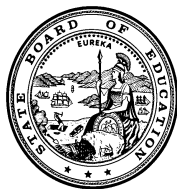
Approval of this waiver for Hiram Johnson High School will result in the school meeting the intent of the QEIA program while continuing to make strong academic gains. During this time of economic uncertainty, this program is essential in order to continue to maintain small class size, hire the most qualified staff and provide the necessary professional development to ensure that students are taught by the most qualified and skilled staff. Based on the 2010-2011 academic, behavior and attendance data, there is no doubt that QEIA funding made the difference in the gains and improvement at Hiram Johnson. The school needs QEIA funding to sustain the momentum and progress that they have made this past year, and continue to provide the best services to the students.



# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM W-17**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### ☒ General Waiver

##### SUBJECT

Request by **Keyes Union School District** to waive portions of California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act.

Waiver Number: 27-5-2012

☒ Action

☐ Consent

##### RECOMMENDATION

☐ Approval ☐ Approval with conditions ☒ Denial

The California Department of Education (CDE) recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California *Education Code* (EC) Section 33051(a)(1).

See Attachment 1 for details.

##### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The CDE Waiver Office has previously presented requests to the State Board of Education (SBE) to waive the class size reduction (CSR) target as defined by the Quality Education Investment Act (QEIA). Over 90 percent of CSR waiver requests previously presented have requested adjusted class size averages of 25.0 or lower, and have indicated a commitment to meeting that target for the life of the grant; these have been approved by the SBE. A small number of CSR waiver requests have proposed CSR targets above 25.0; these have been denied.

##### SUMMARY OF KEY ISSUES

###### Class Size Reduction

Schools participating in the QEIA Program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 school year. At that time, local educational agencies (LEAs) were required to demonstrate one-third progress toward full implementation of program requirements. Monitoring for compliance with second-year program requirements was completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year. QEIA schools were required to demonstrate full compliance with all program requirements at the end of the 2010–11 school year.

Quality Education Investment Act schools are required to reduce class sizes by five students compared to class sizes in the base year (either 2005–06 or 2006–07), or to an average of 25 students per classroom, whichever is lower, with no more than 27 students per classroom regardless of the average classroom size. The calculation is done by grade level, as each grade level has a target average class size based on QEIA CSR rules. For small schools with a single classroom at each grade level, some grade level targets may be very low. If, for example, a school had a single grade four classroom of 15 students in 2005–06, the school's target QEIA class size for grade four is 10 students. Absent a waiver, an unusually low grade level target may result in a greater number of combination classes at the school, or very small classes at the grade level, which is prohibitively costly and may result in withdrawal or termination from the program.

QEIA schools are required to not increase any other (non-core) class sizes in the school above the size used during the 2005–06 school year.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a), available at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053>.**

#### **FISCAL ANALYSIS (AS APPROPRIATE)**

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There are no statewide costs as a result of waiver approval. If the waiver is denied, the school must implement the CSR targets based on statute requirements to stay in the program. Any school in the program not meeting those targets will risk the loss of future funding. The QEIA statute calls for any undistributed annual QEIA funding to be redistributed to other schools currently in the program (no new schools are funded).

#### **ATTACHMENT(S)**

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Attachment 1: Keyes Union School District Request 27-5-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 Page)

Attachment 2: Keyes Union School District General Waiver Request 27-5-2012 (4 Pages) (Original waiver request is signed and on file in the Waiver Office.)

**Waiver Number:** 27-5-2012

**Period of Request:** July 1, 2011, to June 30, 2012

Keyes Elementary School  
Keyes Union School District

**Period Recommended:** Denial

**CDS Code:** 50 71134 6052591

**Local Educational Agency Request:**

Keyes Union School District (USD) is located in Stanislaus County and has a student population of approximately 1,085 students. Keyes Elementary School (ES) has a student population of approximately 519 students in kindergarten and grades one through five. The district met the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) in school year 2010–11 and is asking for an alternative QEIA CSR target for school year 2011–12. The school's current QEIA CSR targets are 20.44 for the core classes of English, mathematics, history-social science, and science in kindergarten and grades one through three, and 25.0 in grades four and five.

Keyes USD states that it was able to maintain QEIA CSR targets since 2008–09, but recent reductions in revenue limit funding, deficits to restricted funds, and cash deferrals have made it difficult to meet QEIA class size targets. In addition, with only one elementary school in the district, there are no other sites to move excess students at a grade. The district also states that there are no other sites from which to bring in additional teachers.

Keyes USD requests a waiver of the QEIA CSR targets for kindergarten and grades one through five at Keyes ES for school year 2011–12 and the establishment of an alternative average CSR target of 26.73 students per class in core classes in kindergarten and grades one through three and 28.26 students in core classes in grades four and five, respectively.

**California Department of Education Recommendation and Conditions:**

The California Department of Education (CDE) recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California *Education Code* Section 33051(a)(1).

Specifically, the CDE recommends denial of this request based on four factors: (1) QEIA funding is expected to be used to hire teachers to significantly reduce class sizes for students at QEIA schools; (2) QEIA legislation requires an average classroom size of 25 students or lower for core subjects, with no more than 27 students per classroom regardless of the average classroom size; (3) significant increases in classroom sizes will potentially impact academic performance in the near future, causing student performance to suffer; and (4) approximately 75 percent of all QEIA schools have been successful in meeting QEIA program requirements and staying within the parameters of the program.

Reviewed by Keyes Elementary School Site Council on May 8, 2012.

Supported by Keyes Elementary Teachers' Association, April 20, 2012.

**Local Board Approval:** May 9, 2012

CALIFORNIA DEPARTMENT OF EDUCATION

# **GENERAL WAIVER REQUEST**

GW-1 (Rev. 4-24-09) <http://www.cde.ca.gov/re/lr/wr/>

Page 1 of 2

First Time Waiver: X

Renewal Waiver:       

Send Original plus one copy to:

Waiver Office, California Department of Education

1430 N Street, Suite 5602

Sacramento, CA 95814

**Faxed originals will not be accepted!**

Send Electronic copy and back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		5	0	7	1	1	3	4
Local educational agency: Keyes Union School District		Contact name and recipient of approval/denial notice: <b>Cynthia Schaefer</b>				Contact person's e-mail address: <a href="mailto:cschaefer@keyes.k12.ca.us">cschaefer@keyes.k12.ca.us</a>		
Address: (City) (State) (ZIP)		Phone (and extension, if necessary): (209) 669-2921				Fax Number: (209) 669-2923		
P. O. Box 310; 5680 7 <sup>th</sup> Street Keyes CA 95328								
Period of request: (month/day/year) From: July 1, 2011 To: June 30, 2012		Local board approval date: (Required) May 9, 2012				Date of public hearing: (Required) May 9, 2012		
<b>LEGAL CRITERIA</b>								
1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the particular <i>Education Code</i> or <i>California Code of Regulations</i> section(s) to be waived (number) : EC 52055.740 (a) (1) (A) and (B) (ii) Circle One: <u>EC</u> or CCR Topic of the waiver: QEIA Class Size Reduction								
2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval _____								
3. Collective bargaining unit information. Does the district have any employee bargaining units? <u>   </u> No <u>  x  </u> Yes If yes, please complete required information below: Bargaining unit(s) consulted on date(s): April 20, 2012 Name of bargaining unit and representative(s) consulted: Keyes Teachers' Association – Stacey Knight, President The position(s) of the bargaining unit(s): <u>   </u> Neutral <u>  x  </u> Support <u>   </u> Oppose ( <i>Please specify why</i> ) Comments (if appropriate): This waiver was suggested to us by the employee bargaining unit.								
4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district. How was the required public hearing advertised? <u>   </u> Notice in a newspaper <u>  x  </u> Notice posted at each school <u>  x  </u> Other: ( <i>Please specify</i> ) Library, Post Office, KUSD District Office								



5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  
Keyes Elementary School Site Council

Date the committee/council reviewed the waiver request: \_\_\_ May 8, 2012\_\_\_\_\_

Were there any objection(s)? No x Yes \_\_\_\_\_ (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION

## GENERAL WAIVER REQUEST

GW-1 (4-24-09)

Page 2 of 2

6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a strike out key if only portions of sections are to be waived).

EC 52055.740 (a) (1) (A) and (B) ii:

(a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(1) Meet all of the following class size requirements:

(A) For kindergarten and grades 1 to 3, inclusive, ~~no more than 20 pupils per class~~, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).

(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:

(i) ~~At least five pupils fewer per classroom than was the average in 2006-07.~~

(ii) ~~An average of 25 pupils per classroom.~~

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

*Please see attached narrative with signatures and class enrollments as of April 20, 2012.*

8. Demographic Information:

For this waiver, Keyes Union School District involved has a student population of 1,085 students at 3 schools (one K-5 elementary, one 6-8 middle school, and one K-12 independent study charter school) and is located in a rural area of Stanislaus County.

9. For a renewal waiver only, district also must certify:

True False

\_\_\_ \_\_\_ The facts that precipitated the original waiver request have not changed.

\_\_\_ \_\_\_ The remedy for the problem has not changed.

\_\_\_ \_\_\_ Members of the local governing board and district staff are not aware of the existence of any controversy over the implementation of this waiver or the request to extend it.

Renewals of General Waivers must be submitted two months before the active waiver expires. The local governing board must approve the renewal request. Retroactive waivers must go through the First Time Waiver Process.

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)**

No ☒ Yes ☐

(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?**

No ☒ Yes ☐

(If yes, please attach explanation or copy of CPM finding)☒

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:

Title:

Date:

### FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (type or print):

Staff Signature:

Date:

Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date:

Keyes Union School District  
General Waiver Request  
Date: April 30, 2012  
Narrative for Question #7

While meeting our QEIA CSR targets in 2008-09, 2009-10, and 2010-11 at Keyes Elementary School, we have now found that with the reductions in revenue limit funding, deficits to restricted funds, and cash deferrals, we are no longer able to meet QEIA class size targets.

With only one elementary school in our district, we have no other sites to move excess students at a grade. Nor do we have other sites from which to bring in additional teachers. Larger districts can raise class sizes at non-QEIA schools in order to keep the QEIA schools at lower class sizes. As a small district we are unable to take advantage of this flexibility.

We have made an average of 27 points growth to our API scores each year while participating in QEIA. We have met all other target areas and are confident we can continue to meet all other target areas if allowed to remain a participating school in QEIA. If the main goals of QEIA are to improve the teaching and learning program, improve quality of staff, and focus site resources to support student achievement, then our data clearly demonstrates that we are accomplishing these goals.

To meet CSR targets for 2011-12, we would have had to hire 5 more full-time teachers at an additional cost of approximately \$400,000 more than we have already spent, which we don't have. With some creativity we could lower class sizes by creating a myriad of combination classes, but this is not sound educationally and would not be a positive experience for our students or our staff. This would also cost us additional funding that we do not have.

We have made all of our CSR targets in 2008-09, 2009-10, and 2010-11 at Keyes Elementary School, and we have carried over some QEIA funds, as recommended by CDE. For 2011-12, our allocation is \$310,800. We project actually spending \$430,343 of QEIA funds (yearly allocation plus carryover) for 2011-12 on 5.5 FTE teacher salaries, substitute/extra duty costs for these same 5.5 FTE teachers, and indirect costs at the approved rate of 6.57%. These 5.5 FTE teachers were called back from being laid off at the end of 2010-11. Even spending almost 40% more than our yearly allocation, we are not able to keep K-3<sup>rd</sup> class sizes at 20:1 and 4<sup>th</sup> and 5<sup>th</sup> classes at 25:1.

We ask the State Board of Education to waive QEIA CSR targets and receive full funding. A chart showing 2011-12 actual class sizes is attached.

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Signature of Teacher's Association President

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Date

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Signature of Teacher's Association Treasurer

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Date

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Signature of Keyes Elementary School Principal

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Date

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Signature of District Superintendent

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Date

**Summary of Average Enrollment**  
**Keyes Elementary School**  
**2011-12 School Year as of April 20,**  
**2012**

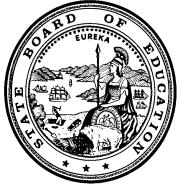
<b>Teacher</b>	<b>Grade</b>	<b>Avg. Class Size</b>
Bains, Lavdeep	K	25.69
Ebon, Yanina	K	26.44
Fitzgerald, DonnA	K	26.22
Hankal, Kimberly	K	26.06
DeGrendel, Renee	1	23.92
Murray, Matthew	1	24.99
Nguyen, Thuy	1	24.33
Tibbs, Dave	1	24.51
Black, Deborah	2	26.32
McDaniel, Cyndi	2	26.75
Valponi, Joni	2	26.72
Barcellos, Janet	3	25.26
Hunter, Brenda	3	24.43
Shubin, Julie	3	25.94
Souza, Kari	3	24.76
K-3 Average		25.49
Eavenson, Monica	4	28.62
Gonzales, Joy	4	28.36
Perez, Christine	4/5	27.89
Azevedo, Linda	5	27.90
Knight, Stacey	5	27.98
Grades 4-5 Average		28.15
Akers, Andrea (Grades 1-5)	SDC	16.81



# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM 11**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### **SUBJECT**

##### **PUBLIC COMMENT.**

Public Comment is invited on any matter **not** included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.

- ☐ **Action**
- ☒ **Information**
- ☐ **Public Hearing**

#### **SUMMARY OF THE ISSUE(S)**

This is a standing item on the agenda, which allows the members of the public to address the board on any matter that is not included in this meeting's agenda.

#### **RECOMMENDATION**

Listen to public comment on matters not included on the agenda.

#### **BRIEF HISTORY OF KEY ISSUES**

Not applicable.

#### **SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

Not applicable.

#### **FISCAL ANALYSIS (AS APPROPRIATE)**

Not applicable.

#### **ATTACHMENT(S)**

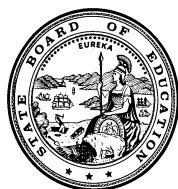
Not applicable.



# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM 12**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### SUBJECT

Elementary and Secondary Education Act: Proposed Amendment to the Accountability Workbook for 2012.

- ☒ Action
- ☒ Information
- ☐ Public Hearing

#### SUMMARY OF THE ISSUE(S)

Since 2004, the State Board of Education (SBE) has annually approved proposed amendments to California's Consolidated State Application Accountability Workbook (hereafter referred to as the Accountability Workbook) and submitted them to the U.S. Department of Education (ED). In January, the SBE approved three amendments to the 2012 Accountability Workbook and submitted them to the ED in February. The California Department of Education (CDE) is requesting approval of one additional technical amendment to the 2012 Accountability Workbook that creates consistency in definitions between the state and federal accountability systems.

#### RECOMMENDATION

The CDE recommends that the SBE approve one additional amendment to California's Accountability Workbook. This new amendment would impact the 2012 Adequate Yearly Progress (AYP) determinations.

#### BRIEF HISTORY OF KEY ISSUES

In January 2012, the SBE adopted amendments to the *California Code of Regulations*, Title 5 (5 CCR), Section 1039.2 that define which students are considered "continuously enrolled" for the Academic Performance Index (API). The regulation was approved by the California Office of Administrative Law (OAL) in April 2012. To align the definition of continuous enrollment between the state and federal accountability systems, the CDE is requesting that the SBE approve one additional amendment to the 2012 Accountability Workbook. The new amendment would incorporate the definition of continuous enrollment established in the 5 CCR, Section 1039.2 into the Accountability Workbook.



## **Proposed Amendment to the Accountability Workbook**

### **Definition of Full Academic Year (Critical Element 2.2, page 20)**

In April 2012, California adopted regulations that define which students are considered to be enrolled for a full academic year (also referred to as “continuously enrolled” for the calculation of the API). The 5 CCR, Section 1039.2 defines a student as continuously enrolled if the student was enrolled from Fall Census Day (first Wednesday in October) to the first day of testing without a gap in enrollment of more than 30 consecutive calendar days. This technical amendment will align the definition of continuous enrollment in the Accountability Workbook with the definition established in California regulations.

### **SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

---

The SBE has submitted amendments to California’s Accountability Workbook each year since the initial submission in January 2003. Most amendments have been in response to changes in California’s assessment system or to changes in federal requirements. Following are the 2012 changes submitted in February:

- A technical amendment indicating that the CDE will produce and post all local educational agency (LEA) accountability report cards on the CDE Web site.
- A technical amendment to align the Accountability Workbook definition of socioeconomically disadvantaged students to the definition provided on the student answer document.
- A request to use an extended-year cohort graduation rate (i.e., five-year cohort rate) as an alternative method to meeting the graduation rate criteria for LEAs, schools, and student groups beginning with the 2013 AYP determination.

### **FISCAL ANALYSIS (AS APPROPRIATE)**

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Fiscal impact will be minimal, as the AYP reports are generated by CDE staff and posted on the CDE AYP Web page. All expenses are included in the Analysis, Measurement, and Accountability Reporting Division budget.

### **ATTACHMENT(S)**

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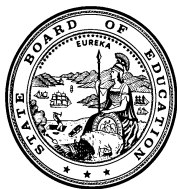
None



# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM 13**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### SUBJECT

Elementary and Secondary Education Act: Request for Federal Timeline Waiver for Local Educational Agencies to Postpone Mandatory Parental Notification of School Improvement Status until Accountability Progress Report Data are Available.

- ☒ Action
- ☒ Information
- ☐ Public Hearing

#### SUMMARY OF THE ISSUE(S)

This item provides a request for the State Board of Education (SBE) to seek a federal timeline waiver of the 14-day notice requirement under *Code of Federal Regulations (CFR)* Section 200.37(b)(4)(iv).

The requirement stipulates that a local educational agency (LEA) must provide parents with notice of school improvement status and public school choice options at least 14 days before the start of the school year. California LEAs in receipt of Title I, Part A, funds currently implement this requirement to the extent practicable, i.e., as soon as the state's contractor makes the student achievement data available in any fiscal year.

The proposed waiver is sought with respect to students in schools that are newly identified for improvement for the 2012–13 school year, or that could possibly have exited improvement, corrective action, or restructuring for the 2012–13 school year but for whom no current Accountability Progress Report (APR) data are currently available. APR results are used in California to identify schools for entry, exit, and advancement in improvement status.

#### RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE seek a waiver of the 14-day notice requirement under *CFR* Section 200.37(b)(4)(iv).

#### BRIEF HISTORY OF KEY ISSUES

All LEAs with Title I schools that have not made Adequate Yearly Progress (AYP) for two consecutive years or LEAs with Title I schools that may potentially exit improvement status are expected to meet the 14-day parental notification requirement of school improvement status. This waiver request will permit LEAs with these schools to postpone parental notification of the choice options until the APR data are posted and school status is confirmed. Parental notification in the absence of the APR data would

only be confusing and potentially require LEAs to notice parents twice or correct an initial erroneous notice.

In April 2012, the CDE was informed of potential breaches in security for the Standardized Testing and Reporting (STAR) Program when it was discovered that students had posted images of test materials to social networking sites. While most of the posted images did not contain test items or completed answer documents, the CDE takes any breaches in security very seriously. As a result, the CDE and STAR testing contractor, Educational Testing Service (ETS), have conducted a variety of psychometric and content analyses of the 2012 test results. These analyses have found no evidence that exposure of any test materials had a significant impact on any test results. However, these analyses have resulted in a delay of the reported outcomes of the 2012 STAR results. As a consequence, the APR is now scheduled to be released in early October 2012. APR results are used in California to identify schools for entry, exit, and advancement in improvement status.

Upon approval by the SBE and prior to submitting this waiver request, the CDE and SBE will provide the public and all LEAs in the State with notice and a reasonable opportunity to comment on this request. Public notice and comments received pertinent to the notice will be enclosed with the Waiver request.

## **SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

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At its August 24, 2010, meeting, the SBE approved a request to seek a 14-day notice waiver from the U.S. Department of Education (ED) to allow the reporting of graduation rate data after the initial release of the 2010 AYP reports.

At its July 2009 meeting, the SBE approved a request to seek a waiver from ED of the federal requirement that LEAs provide parents of eligible students with notice of their public school choice options at least 14 days before the start of the school year.

## **FISCAL ANALYSIS**

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There is no fiscal impact to LEAs or to state operations.

## **ATTACHMENT(S)**

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Attachment 1: September 17, 2012, letter to Deborah Delisle, Assistant Secretary, Office of Elementary and Secondary Education, regarding Waiver to All Interested Local Educational Agencies with Schools Identified for Improvement (34 *Code of Federal Regulations* Section 200.37[b][4][iv]) to Notify Parents of School Improvement Status 14 Days Prior to the Onset of the School Year (2 Pages)



**CALIFORNIA DEPARTMENT OF EDUCATION**

**TOM TORLAKSON**, State Superintendent of Public Instruction  
916-319-0800

1430 N Street Sacramento, CA 95814-5901



**CALIFORNIA STATE BOARD OF EDUCATION**

**MICHAEL W. KIRST**, President  
916-319-0827

Draft September 17, 2012

Deborah Delisle, Assistant Secretary  
Office of Elementary and Secondary Education  
U.S. Department of Education  
400 Maryland Avenue, SW, Suite 3W230  
Washington, DC 20202

Dear Assistant Secretary Delisle:

Subject: Waiver to All Interested Local Educational Agencies with Schools Identified for Improvement (34 *Code of Federal Regulations* Section 200.37[b][4][iv]) to Notify Parents of School Improvement Status 14 Days Prior to the Onset of the School Year

The State of California hereby submits for your consideration a request for a one-year waiver of the Title I, Part A regulatory provision that requires a local educational agency (LEA) to provide notice of public school choice options at least 14 days before the start of the school year with respect to students in schools that are potentially newly identified for improvement for the 2012–13 school year, or that could possibly have exited improvement, corrective action, or restructuring for the 2012–13 school year but for whom there are currently no achievement data available.

Under the federal law, an LEA must provide notice of public school choice options at least 14 days before the start of the school year. California LEAs in receipt of Title I, Part A, funds currently implement this requirement to the extent practicable, i.e., as soon as the state's contractor makes the student achievement data available in any fiscal year.

In April 2012, the California Department of Education (CDE) was informed of potential breaches in security for the Standardized Testing and Reporting (STAR) Program when it was discovered that students had posted images of test materials to social networking sites. While most of the posted images did not contain test items or completed answer documents, the CDE takes any breaches in security very seriously. As a result, the CDE and STAR testing contractor, Educational Testing Service (ETS), have conducted a variety of psychometric and content analyses of the 2012 test results.

Deborah Delisle, Assistant Secretary  
September 17, 2012  
Page 2

While these analyses have found no significant impact on any test results, conducting these analyses have resulted in a delay of the reported outcomes of the 2012 STAR results. As a consequence, the Accountability Progress Report (APR) is now scheduled to be released in early October 2012. APR results are used in California to identify schools for entry, exit and advancement in improvement status.

Prior to submitting this waiver request, California provided the public and all LEAs in the State with notice and a reasonable opportunity to comment on this request. California provided such notice by publishing a public item on the agenda for the September 13, 2012, meeting of the California State Board of Education (SBE), which can be accessed on the CDE SBE Meeting for September 2012 Web page at <http://www.cde.ca.gov/be/ag/ag/main201209.asp>.

If you have any questions regarding this subject, please contact Deborah V.H. Sigman, Deputy Superintendent, District, School and Innovation Branch, by phone at 916-319-0812 or by e-mail at [dsigman@cde.ca.gov](mailto:dsigman@cde.ca.gov).

Sincerely,

Tom Torlakson  
State Superintendent of Public Instruction  
California Department of Education

Michael W. Kirst  
President  
California State Board of Education

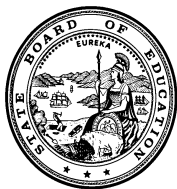
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# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM 14**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### SUBJECT

Elementary and Secondary Education Act: Approval of Local Educational Agency Plans, Title I, Section 1112.

- ☒ Action
- ☒ Information
- ☐ Public Hearing

#### SUMMARY OF THE ISSUE(S)

The Elementary and Secondary Education Act (ESEA) provides federal funding that may be available to local educational agencies (LEAs) (defined as districts, county offices of education, and direct-funded charter schools) for a variety of programs. Currently, only one new direct-funded charter school submitted an LEA Plan as part of the application for ESEA funding. California Department of Education (CDE) program staff review LEA Plans for compliance with the requirements of ESEA before recommending approval to the State Board of Education (SBE).

#### RECOMMENDATION

The CDE recommends that the SBE approve one direct-funded charter school LEA Plan listed in Attachment 1.

#### BRIEF HISTORY OF KEY ISSUES

The federal ESEA Section 1112(e)(2) states that the state educational agency (SEA) shall approve an LEA's Plan if the SEA determines that the LEA's Plan is designed to enable its schools to substantially help children meet the academic standards expected for all children. As a requirement for receiving federal funding sub-grants for ESEA programs, the local school board and the SBE must approve the original LEA Plan. Subsequent approval of revisions to LEA Plans is made by the local school board and kept on file with the original LEA Plan. The LEA Plan includes specific descriptions and assurances as outlined in the provisions included in ESEA.

The purpose of the LEA Plan is to develop an integrated, coordinated set of actions that LEAs will take to ensure that they meet certain programmatic requirements, including student academic services designed to increase student achievement and performance, coordination of services, needs assessments, consultations, school choice, supplemental services, services to homeless students, and others as required.



CDE program staff review LEA Plans for compliance with the requirements of the ESEA including evaluation of goals and activities designed to improve student performance in reading and mathematics; improve programs for English learner students; improve professional development and ensure the provision of highly qualified teachers; ensure that school environments are safe, drug-free, and conducive to learning; and promote efforts regarding graduation rates, dropout prevention, and advanced placement. If an LEA Plan lacks the required information, CDE program staff works with the LEA to ensure the necessary information is included in the LEA Plan before recommending approval.

Following initial CDE review and SBE approval, all LEAs are expected to annually review their Plans and update them as necessary. Any changes to the LEA Plan must be approved by an LEA's local governing board.

### **SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

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Since the current LEA Plan process was developed in July 2003 as a requirement of the ESEA, the SBE has approved 1,650 LEA Plans.

### **FISCAL ANALYSIS (AS APPROPRIATE)**

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There is no fiscal impact to state operations.

### **ATTACHMENT(S)**

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Attachment 1: Direct-Funded Charter Schools Recommended for State Board of Education Approval (1 Page)

Attachment 2: Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans (1 Page)

**Direct-Funded Charter Schools Recommended  
for State Board of Education Approval**

<b>Local Educational Agency Name</b>	<b>County-District-School Code</b>	<b>Academic Performance Data</b>
Willits Charter School	23-65623-2330363	See Attachment 2

**Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval  
of Local Educational Agency Plans**

LEA Name: Willits Charter School CDS CODE: 23-65623-2330363	Met All Adequate Yearly Progress (AYP) Criteria	English-Language Arts		Mathematics		Academic Performance Index (API)		
		Percent At or Above Proficient (66.7%)	Met 2011 AYP Criteria?	Percent At or Above Proficient (66.1%)	Met 2011 AYP Criteria?	2010 Base API	2011 Growth API	Met 2010–11 Growth API Targets***
<b>Schoolwide</b>	<b>No, met 3 of 6</b>	<b>46.8</b>	<b>No</b>	<b>25.6</b>	<b>No</b>	<b>791</b>	<b>667</b>	<b>No</b>
African American or Black (not of Hispanic origin)		--	--	--	--			
American Indian or Alaska Native		**	**	**	**			
Asian		--	--	--	--			
Filipino		--	--	--	--			
Hispanic or Latino		45.5	**	18.2	**			
Native Hawaiian or Pacific Islander		--	--	--	--			
White (not of Hispanic origin)		41.2	**	43.8	**			
Two or More Races		**	**	**	**			
Socioeconomically Disadvantaged		43.2	**	18.6	**			
English Learners		**	**	**	**			
Students with Disabilities		**	**	**	**			

-- Indicates no data are available.

\*\* Indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.

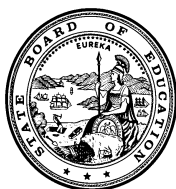
\*\*\*Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2010 API criteria for meeting federal AYP: a minimum "2011 Growth API" score of 710 OR "2010–11 Growth" of at least one point.



# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM 15**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

SUBJECT	
Approval of 2011–12 Consolidated Applications.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing



#### SUMMARY OF THE ISSUE(S)

Each local educational agency (LEA) must submit a complete and accurate Consolidated Application (ConApp) each fiscal year in order for the California Department of Education (CDE) to send funding to LEAs for any or all of the categorical funds contained in the ConApp for which they are eligible. The ConApp is the annual fiscal companion to the LEA Plan. The State Board of Education (SBE) is asked to annually approve the ConApps for more than 1,590 school districts, county offices of education, and direct-funded charter schools.

#### RECOMMENDATION

The CDE recommends that the SBE approve the 2011–12 ConApps submitted by LEAs in Attachment 1.

#### BRIEF HISTORY OF KEY ISSUES

Each year, the CDE, in compliance with *California Code of Regulations, Title 5, Section 3920*, recommends that the SBE approve applications for funding Consolidated Categorical Aid Programs submitted by LEAs. Prior to receiving funding, the LEA must also have a SBE-approved LEA Plan that satisfies the SBE's and CDE's criteria for utilizing federal and state categorical funds.

Approximately \$2.9 billion of state and federal funding is distributed annually through the ConApp process. The 2011–12 ConApp consists of six federal programs and only one state-funded program. The state funding source is Economic Impact Aid (which is used for State Compensatory Education and/or English learners). The federal funding sources include:

- Title I, Part A Basic Grant (Low Income);
- Title I, Part D (Delinquent);
- Title II, Part A (Teacher Quality);
- Title III, Part A (Immigrant);
- Title III, Part A (Limited English Proficient Students); and
- Title VI, Part B (Rural, Low-Income).

The CDE provides the SBE with two levels of approval recommendations. Regular approval is recommended when an LEA has submitted a correct and complete ConApp, Part I, and has no compliance issues or is making satisfactory progress toward resolving one or two noncompliant issues that are less than 365 days. Conditional approval is recommended when an LEA has submitted a correct and complete ConApp, Part I, but has one or more noncompliant issues that is/are unresolved for over 365 days. Conditional approval by the SBE provides authority to the LEA to spend its categorical funds under the condition that it will resolve or make significant progress toward resolving noncompliant issues. In extreme cases, conditional approval may include the withholding of funds.

Attachment 1 identifies the LEAs that have no outstanding noncompliant issues or are making satisfactory progress toward resolving one or two noncompliant issues that is/are unresolved for less than 365 days. The CDE recommends regular approval of the 2011–12 ConApp for these 5 LEAs. Attachment 1 also includes ConApp entitlement figures from school year 2010–11 because the figures for 2011–12 have not yet been determined. Fiscal data are absent if an LEA is new or is applying for direct funding for the first time.

## **SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

---

To date, the SBE has approved 2011–2012 ConApps for 1,592 LEAs. Attachment 1 represents the seventh set of 2011–12 ConApps presented to the SBE for approval.

## **FISCAL ANALYSIS (AS APPROPRIATE)**

---

The CDE provides resources to track the SBE approval status of the ConApps for more than 1,590 LEAs. The cost to track the noncompliant status of LEAs related to programs within the ConApp is covered through a cost pool of federal funds and Economic Impact Aid funds. CDE staff communicates with LEA staff on an ongoing basis to determine the evidence needed to resolve issues, reviews the evidence provided by LEA staff, and maintains a tracking system to document the resolution process.

## **ATTACHMENT(S)**

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Attachment 1: Consolidated Applications List (2011–12) - Regular Approvals (1 Page)

### Consolidated Applications List (2011–12) – Regular Approvals

The following local educational agencies (LEAs) have submitted a correct and complete ConApp, Part I, and have no compliance issues or are making satisfactory progress toward resolving one or two noncompliant issues that are less than 365 days. The California Department of Education recommends regular approval of these applications.

CD Code	School Code	Local Educational Agency Name	Total 2010–11 ConApp Entitlement	Total Entitlement Per Student	Total 2010–11 Title I Entitlement	2010–11 Entitlement Per Free and Reduced Lunch Student	2010–11 Percent At or Above Proficiency - Language Arts	2010–11 Percent At or Above Proficiency - Math
3768338	0124206	America's Finest Charter	\$0	\$0	\$0	\$0	0.0	0.0
4469799	0117804	Ceiba College Preparatory Academy	\$0	\$0	\$0	\$0	64.0	67.0
1964733	0121293	College Ready Academy High 13	\$0	\$0	\$0	\$0	0.0	0.0
3768338	0121145	Evangeline Roberts Institute of Learning	\$0	\$0	\$0	\$0	0.0	0.0
3768189	0121061	Mandarin Language Academy	\$0	\$0	\$0	\$0	0.0	0.0

The 2010–11 targets for elementary and middle schools are 67.6 percent for Language Arts and 68.5 percent for Math.  
The 2010–11 targets for high schools are 66.7 percent for Language Arts and 66.1 percent for Math

Total Number of LEAs in the report: 5

Total ConApp entitlement funds for districts receiving regular approval: \$0

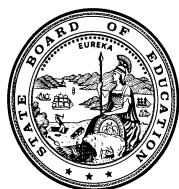


# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM 16**





## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### SUBJECT

Approval of 2012–13 Consolidated Applications.

- ☒ Action
- ☒ Information
- ☐ Public Hearing

#### SUMMARY OF THE ISSUE(s)

Each local educational agency (LEA) must submit a complete and accurate Consolidated Application (ConApp) each fiscal year in order for the California Department of Education (CDE) to send funding to LEAs for any or all of the categorical funds contained in the ConApp for which they are eligible. The ConApp is the annual fiscal companion to the LEA Plan. The State Board of Education (SBE) is asked to annually approve the ConApps for approximately 1,600 school districts, county offices of education, and direct-funded charter schools.

#### RECOMMENDATION

The CDE recommends that the SBE approve the 2012–13 ConApps submitted by LEAs in Attachment 1.

#### BRIEF HISTORY OF KEY ISSUES

Each year, the CDE, in compliance with *California Code of Regulations, Title 5, Section 3920*, recommends that the SBE approve applications for funding Consolidated Categorical Aid Programs submitted by LEAs. Prior to receiving funding, the LEA must also have a SBE-approved LEA Plan that satisfies the SBE's and CDE's criteria for utilizing federal and state categorical funds.

Approximately \$2.9 billion of state and federal funding is distributed annually through the ConApp process. The 2011–12 ConApp consists of six federal programs and only one state-funded program. The state funding source is Economic Impact Aid (which is used for State Compensatory Education and/or English learners). The federal funding sources include:

- Title I, Part A Basic Grant (Low Income);
- Title I, Part D (Delinquent);
- Title II, Part A (Teacher Quality);
- Title III, Part A (Immigrant);
- Title III, Part A (Limited English Proficient Students); and
- Title VI, Part B (Rural, Low-Income).

The CDE provides the SBE with two levels of approval recommendations. Regular approval is recommended when an LEA has submitted a correct and complete ConApp, Part I, and has no compliance issues or is making satisfactory progress toward resolving one or two noncompliant issues that are less than 365 days. Conditional approval is recommended when an LEA has submitted a correct and complete ConApp, Part I, but has one or more noncompliant issues that is/are unresolved for over 365 days. Conditional approval by the SBE provides authority to the LEA to spend its categorical funds under the condition that it will resolve or make significant progress toward resolving noncompliant issues. In extreme cases, conditional approval may include the withholding of funds.

Attachment 1 identifies the LEAs that have no outstanding noncompliant issues or are making satisfactory progress toward resolving one or two noncompliant issues that is/are unresolved for less than 365 days. The CDE recommends regular approval of the 2012–13 ConApp for these 432 LEAs. Attachment 1 also includes ConApp entitlement figures from school year 2011–12 because the figures for 2012–13 have not yet been determined. Fiscal data are absent if an LEA is new or is applying for direct funding for the first time.

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## **SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

For fiscal year 2011–12, the SBE approved ConApps for 1,597 LEAs. Attachment 1 represents the first set of 2012–13 ConApps presented to the SBE for approval.

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## **FISCAL ANALYSIS (AS APPROPRIATE)**

The CDE provides resources to track the SBE approval status of the ConApps for approximately 1,600 LEAs. The cost to track the noncompliant status of LEAs related to programs within the ConApp is covered through a cost pool of federal funds and Economic Impact Aid funds. CDE staff communicates with LEA staff on an ongoing basis to determine the evidence needed to resolve issues, reviews the evidence provided by LEA staff, and maintains a tracking system to document the resolution process.

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## **ATTACHMENT(S)**

Attachment 1: Consolidated Applications (ConApp) List (2012–13) - Regular Approvals (19 pages)

### Consolidated Applications (ConApp) List (2012–13) – Regular Approvals

The following local educational agencies (LEAs) have submitted a correct and complete ConApp, Part I, and have no compliance issues or are making satisfactory progress toward resolving one or two noncompliant issues that are less than 365 days. The California Department of Education recommends regular approval of these applications. The proficiency data is not available at this time.

CDS Code	Local Educational Agency Name	Total 2011–12 ConApp Entitlement	2011–12 Total Entitlement Per Student	Total 2011– 12 Title I Entitlement	2011–12 Entitlement Per Free and Reduced Lunch Student	2011–12* Percent At or Above Proficiency - Language Arts	2011–12* Percent At or Above Proficiency - Math
45752670120170	Academy of Personalized Learning	\$2,650	\$7	\$10	\$0	0	0
23656152330454	Accelerated Achievement Academy	\$43,729	\$262	\$361	\$42,470	0	0
12630320111203	Alder Grove Charter	\$62,238	\$262	\$409	\$60,558	0	0
02100250000000	Alpine County Office of Education	\$0	\$0	\$0	\$0	0	0
02613330000000	Alpine County Unified	\$73,170	\$754	\$1,307	\$47,971	0	0
31667790000000	Alta-Dutch Flat Union Elementary	\$37,746	\$385	\$674	\$21,099	0	0
20651770000000	Alview-Dairyland Union Elementary	\$264,725	\$742	\$1,089	\$137,055	0	0
10619940000000	Alvina Elementary	\$121,926	\$604	\$1,033	\$85,131	0	0
37683380124206	America's Finest Charter	\$867	\$6	\$11	\$0	0	0
19647330124016	Animo Charter Middle No. 3	\$127,549	\$242	\$362	\$122,956	0	0
19647330124024	Animo Charter Middle No. 4	\$49,270	\$98	\$314	\$44,677	0	0
19647330124883	Animo College Preparatory Academy	\$87,061	\$226	\$355	\$82,823	0	0
19647330122481	Animo Jefferson Charter Middle	\$152,768	\$413	\$419	\$149,225	0	0
19647330122499	Animo Westside Charter Middle	\$25,168	\$300	\$387	\$24,073	0	0
07616486115703	Antioch Charter Academy	\$350	\$2	\$13	\$0	0	0
12626790000000	Arcata Elementary	\$435,016	\$718	\$1,776	\$244,482	0	0
56725460120634	Architecture, Construction & Engineering Charter High (ACE)	\$24,720	\$110	\$287	\$23,137	0	0
39685856118921	Aspire River Oaks Charter	\$107,071	\$283	\$498	\$71,774	0	0
40687000000000	Atascadero Unified	\$978,915	\$200	\$480	\$479,676	0	0

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15633210000000	Bakersfield City	\$28,823,483	\$1,018	\$1,185	\$16,021,166	0	0
42691040000000	Ballard Elementary	\$23,979	\$212	\$7,993	\$14,039	0	0
04613820000000	Bangor Union Elementary	\$58,633	\$465	\$58,633	\$32,084	0	0
37681896120901	Barona Indian Charter	\$99	\$1	\$99	\$0	0	0
20651850000000	Bass Lake Joint Union Elementary	\$383,178	\$443	\$785	\$237,929	0	0
45698720000000	Bella Vista Elementary	\$145,353	\$412	\$24,226	\$102,778	0	0
15633470000000	Belridge Elementary	\$28,650	\$895	\$1,023	\$15,344	0	0
48705240000000	Benicia Unified	\$541,072	\$110	\$690	\$243,496	0	0
19643110000000	Beverly Hills Unified	\$894,391	\$195	\$3,350	\$470,370	0	0
12626950000000	Big Lagoon Union Elementary	\$13,860	\$257	\$322	\$2,428	0	0
55751840000000	Big Oak Flat-Groveland Unified	\$91,453	\$247	\$0	\$61,635	0	0
14632480000000	Big Pine Unified	\$65,526	\$329	\$3,449	\$17,470	0	0
47701850000000	Big Springs Union Elementary	\$53,639	\$501	\$1,117	\$38,365	0	0
27751500000000	Big Sur Unified	\$7,447	\$621	\$931	\$0	0	0
35674540000000	Bitterwater-Tully Elementary	\$9,821	\$317	\$0	\$0	0	0
45698800000000	Black Butte Union Elementary	\$133,366	\$609	\$33,342	\$83,222	0	0
09737830000000	Black Oak Mine Unified	\$299,765	\$191	\$498	\$159,594	0	0
15633540000000	Blake Elementary	\$6,084	\$1,217	\$0	\$0	0	0
12627030000000	Blue Lake Union Elementary	\$66,156	\$483	\$0	\$44,130	0	0
47701930000000	Bogus Elementary	\$17,088	\$1,899	\$2,136	\$0	0	0
44697320000000	Bonny Doon Union Elementary	\$55,937	\$434	\$4,303	\$39,887	0	0
27659790000000	Bradley Union Elementary	\$101,469	\$1,390	\$2,475	\$85,300	0	0
13630810000000	Brawley Union High	\$891,733	\$493	\$725	\$491,069	0	0
07616550000000	Brentwood Union Elementary	\$1,189,878	\$143	\$552	\$341,544	0	0
05615560000000	Bret Harte Union High	\$122,953	\$157	\$427	\$51,050	0	0
12627290000000	Bridgeville Elementary	\$34,528	\$863	\$0	\$18,171	0	0

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53716620000000	Burnt Ranch Elementary	\$30,983	\$369	\$1,192	\$18,151	0	0
04100410000000	Butte County Office of Education	\$1,334,116	\$2,374	\$3,223	\$1,318,772	0	0
47736840000000	Butte Valley Unified	\$208,597	\$648	\$1,165	\$115,007	0	0
47702010000000	Butteville Union Elementary	\$34,839	\$201	\$345	\$21,220	0	0
15633700000000	Buttonwillow Union Elementary	\$349,655	\$937	\$985	\$162,863	0	0
19647330109553	CA Academy for Liberal Studies Early College High	\$110,710	\$378	\$469	\$108,107	0	0
37679910000000	Cajon Valley Union	\$8,987,666	\$581	\$1,272	\$4,442,472	0	0
05100580000000	Calaveras County Office of Education	\$199,037	\$363	\$1,508	\$194,872	0	0
05615640000000	Calaveras Unified	\$1,033,980	\$313	\$647	\$634,873	0	0
15633880000000	Caliente Union Elementary	\$42,375	\$623	\$985	\$29,426	0	0
19647336118194	California Academy for Liberal Studies	\$94,930	\$300	\$361	\$92,483	0	0
28662410000000	Calistoga Joint Unified	\$340,644	\$413	\$941	\$91,287	0	0
43694010000000	Campbell Union High	\$651,193	\$88	\$746	\$0	0	0
42691460000000	Carpinteria Unified	\$933,423	\$399	\$634	\$301,127	0	0
13631150000000	Central Union High	\$1,750,951	\$432	\$650	\$838,265	0	0
19647090112250	Century Academy for Excellence	\$109,427	\$365	\$395	\$107,046	0	0
19647090107508	Century Community Charter	\$107,710	\$258	\$453	\$104,651	0	0
50710430000000	Ceres Unified	\$5,269,613	\$434	\$542	\$2,189,699	0	0
36676520000000	Chaffey Joint Union High	\$6,894,504	\$275	\$560	\$3,757,277	0	0
36676780000000	Chino Valley Unified	\$8,243,138	\$273	\$667	\$4,311,961	0	0
20652010000000	Chowchilla Union High	\$384,128	\$394	\$567	\$215,408	0	0
45104540111674	Chrysalis Charter	\$25,138	\$163	\$310	\$24,269	0	0
27659950000000	Chualar Union	\$314,567	\$942	\$1,386	\$94,437	0	0

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29663240000000	Clear Creek Elementary	\$46,047	\$288	\$698	\$23,935	0	0
10621250000000	Coalinga-Huron Joint Unified	\$3,329,500	\$780	\$1,032	\$1,578,155	0	0
12626796120562	Coastal Grove Charter	\$35,781	\$170	\$314	\$34,429	0	0
53716700000000	Coffee Creek Elementary	\$7,276	\$728	\$0	\$0	0	0
42691610000000	Cold Spring Elementary	\$30,549	\$201	\$0	\$17,226	0	0
06615980000000	Colusa Unified	\$686,617	\$492	\$814	\$303,988	0	0
19647330109876	Community Charter Early College High	\$125,840	\$281	\$390	\$122,272	0	0
19647336116750	Community Charter Middle	\$111,517	\$323	\$424	\$101,680	0	0
34765050108837	Community Collaborative Charter	\$212,055	\$209	\$249	\$206,004	0	0
34765050101766	Community Outreach Academy	\$519,839	\$419	\$602	\$350,731	0	0
56737590000000	Conejo Valley Unified	\$3,411,783	\$165	\$764	\$1,428,233	0	0
07100740000000	Contra Costa County Office of Education	\$876,405	\$960	\$1,582	\$838,819	0	0
16638910000000	Corcoran Joint Unified	\$2,394,398	\$724	\$840	\$1,235,187	0	0
52715060000000	Corning Union High	\$404,196	\$389	\$839	\$220,550	0	0
33670330000000	Corona-Norco Unified	\$12,348,948	\$231	\$544	\$5,738,419	0	0
49738820000000	Cotati-Rohnert Park Unified	\$1,501,986	\$254	\$593	\$550,352	0	0
53716880000000	Cox Bar Elementary	\$8,649	\$721	\$2,162	\$0	0	0
36676940000000	Cucamonga Elementary	\$1,408,951	\$536	\$691	\$732,242	0	0
12627370000000	Cuddeback Union Elementary	\$13,732	\$106	\$250	\$0	0	0
19644440000000	Culver City Unified	\$1,257,541	\$184	\$454	\$499,973	0	0
12627450000000	Cutten Elementary	\$174,499	\$314	\$786	\$122,004	0	0
30664800000000	Cypress Elementary	\$958,897	\$245	\$794	\$285,770	0	0
19651690119636	Da Vinci Design	\$2,642	\$5	\$16	\$0	0	0
19651690119016	Da Vinci Science	\$3,074	\$5	\$19	\$0	0	0

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14632710000000	Death Valley Unified	\$24,153	\$383	\$483	\$11,856	0	0
15634040000000	Delano Union Elementary	\$6,412,400	\$831	\$1,590	\$3,270,410	0	0
24753660000000	Delhi Unified	\$1,637,083	\$614	\$828	\$654,814	0	0
47702270000000	Delphic Elementary	\$6,819	\$189	\$359	\$0	0	0
34674130114660	Delta Elementary Charter	\$25,000	\$98	\$0	\$23,363	0	0
15634200000000	Di Giorgio Elementary	\$128,466	\$587	\$691	\$62,976	0	0
53716960000000	Douglas City Elementary	\$43,554	\$330	\$0	\$25,289	0	0
19644690000000	Duarte Unified	\$1,790,402	\$461	\$689	\$913,794	0	0
47702430000000	Dunsmuir Elementary	\$144,941	\$1,028	\$1,283	\$89,974	0	0
47702500000000	Dunsmuir Joint Union High	\$56,388	\$679	\$0	\$41,928	0	0
19647330124933	Early College Academy for Leaders and Scholars (ECALS)	\$2,097	\$9	\$0	\$0	0	0
01612590100123	East Oakland Leadership Academy	\$0	\$0	\$0	\$0	0	0
01612590116137	East Oakland Leadership Academy High	\$0	\$0	\$0	\$0	0	0
15634380000000	Edison Elementary	\$689,509	\$615	\$1,128	\$217,304	0	0
23656072330272	Eel River Charter	\$28,625	\$477	\$774	\$28,035	0	0
09100900000000	El Dorado County Office of Education	\$1,112,842	\$1,026	\$2,358	\$1,011,971	0	0
15634460000000	Elk Hills Elementary	\$13,231	\$66	\$213	\$0	0	0
19646911996438	Environmental Charter High	\$169,915	\$351	\$723	\$141,050	0	0
19101990121772	Environmental Charter Middle	\$34,688	\$164	\$224	\$32,742	0	0
37681060000000	Escondido Union High	\$2,673,195	\$336	\$528	\$1,402,680	0	0
43694350000000	Evergreen Elementary	\$3,873,883	\$290	\$835	\$1,174,441	0	0
52715220000000	Evergreen Union	\$228,741	\$242	\$459	\$136,091	0	0
39103970114447	Excel Academy: Collegiate Sports						

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	Health Science Preparatory High	\$824	\$5	\$7	\$0	0	0
19647330112201	Excel Charter Academy	\$123,327	\$368	\$406	\$120,381	0	0
37683386117683	Explorer Elementary	\$1,895	\$6	\$31	\$0	0	0
15634610000000	Fairfax Elementary	\$1,459,221	\$637	\$689	\$590,724	0	0
48705400000000	Fairfield-Suisun Unified	\$6,480,799	\$300	\$552	\$2,862,282	0	0
45699890000000	Fall River Joint Unified	\$448,606	\$393	\$644	\$274,370	0	0
54753250000000	Farmersville Unified	\$2,333,316	\$897	\$1,076	\$1,236,003	0	0
04614400000000	Feather Falls Union Elementary	\$41,548	\$2,770	\$2,770	\$19,845	0	0
12753740000000	Ferndale Unified	\$83,732	\$173	\$625	\$45,962	0	0
12627940000000	Fieldbrook Elementary	\$25,336	\$198	\$650	\$10,302	0	0
31668370000000	Foresthill Union Elementary	\$120,165	\$284	\$679	\$70,053	0	0
47702920000000	Forks of Salmon Elementary	\$9,093	\$1,137	\$4,547	\$0	0	0
18750360000000	Fort Sage Unified	\$99,642	\$311	\$977	\$74,082	0	0
12628100000000	Fortuna Union High	\$324,402	\$282	\$2,368	\$221,089	0	0
43694500000000	Franklin-McKinley Elementary	\$6,846,337	\$708	\$1,109	\$2,652,467	0	0
01611760000000	Fremont Unified	\$6,977,314	\$213	\$1,204	\$2,549,232	0	0
45699970000000	French Gulch-Whiskeytown Elementary	\$9,094	\$455	\$1,137	\$0	0	0
12628280000000	Freshwater Elementary	\$127,317	\$391	\$3,441	\$107,667	0	0
10101080000000	Fresno County Office of Education	\$1,498,414	\$1,298	\$1,724	\$1,412,919	0	0
12626790109975	Fuente Nueva Charter	\$14,339	\$142	\$312	\$13,925	0	0
34765050101832	Futures High	\$114,217	\$390	\$474	\$111,848	0	0
19647330120667	Futuro College Preparatory Elementary	\$38,794	\$198	\$212	\$36,937	0	0
34673550000000	Galt Joint Union High	\$479,609	\$210	\$426	\$249,319	0	0
12628360000000	Garfield Elementary	\$9,728	\$159	\$9,728	\$1,542	0	0



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45752670000000	Gateway Unified	\$1,924,567	\$713	\$984	\$1,096,771	0	0
47703180000000	Gazelle Union Elementary	\$28,551	\$714	\$1,020	\$17,361	0	0
15634870000000	General Shafter Elementary	\$98,071	\$726	\$16,345	\$69,211	0	0
19645680000000	Glendale Unified	\$13,924,711	\$531	\$1,153	\$7,158,111	0	0
19645760000000	Glendora Unified	\$939,344	\$125	\$604	\$472,111	0	0
47104700117168	Golden Eagle Charter	\$72,337	\$223	\$583	\$70,371	0	0
04614570000000	Golden Feather Union Elementary	\$141,304	\$1,187	\$1,682	\$87,731	0	0
10752340000000	Golden Plains Unified	\$1,560,792	\$834	\$837	\$582,194	0	0
42691950000000	Goleta Union Elementary	\$1,197,888	\$325	\$764	\$338,912	0	0
19645840000000	Gorman Elementary	\$59,731	\$610	\$892	\$0	0	0
19645841996305	Gorman Learning Center	\$75,618	\$49	\$127	\$64,165	0	0
45700030000000	Grant Elementary	\$52,149	\$87	\$1,086	\$30,113	0	0
29663320000000	Grass Valley Elementary	\$821,166	\$489	\$871	\$519,509	0	0
27660270000000	Graves Elementary	\$9,614	\$234	\$481	\$0	0	0
12628510000000	Green Point Elementary	\$7,627	\$847	\$2,542	\$0	0	0
15635030000000	Greenfield Union	\$4,544,290	\$534	\$1,361	\$1,891,247	0	0
47703260000000	Grenada Elementary	\$61,993	\$383	\$544	\$43,325	0	0
16639170000000	Hanford Elementary	\$3,230,721	\$570	\$713	\$1,534,174	0	0
16639250000000	Hanford Joint Union High	\$1,392,129	\$366	\$952	\$841,327	0	0
47703340000000	Happy Camp Union Elementary	\$85,461	\$770	\$0	\$50,622	0	0
44697570000000	Happy Valley Elementary	\$30,526	\$230	\$1,796	\$10,972	0	0
50710920000000	Hart-Ransom Union Elementary	\$160,798	\$168	\$2,400	\$55,303	0	0
01611920000000	Hayward Unified	\$12,376,290	\$601	\$870	\$4,943,518	0	0
13631310000000	Heber Elementary	\$635,238	\$558	\$580	\$163,103	0	0
36750440000000	Hesperia Unified	\$8,734,847	\$409	\$872	\$4,723,939	0	0
37683383731247	High Tech High	\$55,534	\$97	\$270	\$48,649	0	0

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37683380106732	High Tech High International	\$40,272	\$101	\$246	\$38,708	0	0
37683380108787	High Tech High Media Arts	\$45,853	\$112	\$265	\$44,103	0	0
37683380101204	High Tech Middle	\$33,071	\$99	\$278	\$31,829	0	0
37683380107573	High Tech Middle Media Arts	\$36,320	\$108	\$273	\$35,012	0	0
34765050113878	Higher Learning Academy	\$45,554	\$209	\$386	\$43,922	0	0
24656980000000	Hilmar Unified	\$978,733	\$430	\$754	\$457,142	0	0
42692110000000	Hope Elementary	\$262,696	\$262	\$991	\$95,195	0	0
47703590000000	Hornbrook Elementary	\$25,391	\$769	\$819	\$13,587	0	0
19646260000000	Hughes-Elizabeth Lakes Union Elementary	\$48,356	\$143	\$444	\$15,767	0	0
12101240000000	Humboldt County Office of Education	\$219,250	\$639	\$1,198	\$206,113	0	0
12628850000000	Hydesville Elementary	\$44,118	\$283	\$832	\$31,696	0	0
09618950000000	Indian Diggings Elementary	\$6,417	\$292	\$2,139	\$0	0	0
14101400000000	Inyo County Office of Education	\$1,303	\$1	\$1	\$0	0	0
30736500000000	Irvine Unified	\$4,113,430	\$146	\$1,157	\$1,484,731	0	0
12628930000000	Jacoby Creek Elementary	\$48,941	\$110	\$765	\$28,583	0	0
19647330109884	James Jordan Middle	\$74,804	\$293	\$343	\$72,725	0	0
55723630000000	Jamestown Elementary	\$171,418	\$455	\$42,855	\$105,234	0	0
37681550000000	Jamul-Dulzura Union Elementary	\$259,642	\$381	\$883	\$102,653	0	0
19101990106880	Jardin de la Infancia	\$0	\$0	\$0	\$0	0	0
41689160000000	Jefferson Elementary	\$2,699,760	\$436	\$770	\$900,047	0	0
18641130000000	Johnstonville Elementary	\$78,776	\$396	\$1,250	\$51,096	0	0
53717380000000	Junction City Elementary	\$13,296	\$151	\$237	\$0	0	0
47703670000000	Junction Elementary	\$7,522	\$259	\$301	\$0	0	0
33670900000000	Jurupa Unified	\$11,609,555	\$584	\$767	\$5,703,559	0	0

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49708880000000	Kashia Elementary	\$6,233	\$623	\$623	\$0	0	0
10739990000000	Kerman Unified	\$2,161,470	\$455	\$538	\$1,120,680	0	0
15101570000000	Kern County Office of Education	\$2,077,316	\$585	\$1,224	\$1,973,395	0	0
15635290000000	Kern Union High	\$15,693,770	\$418	\$843	\$10,277,082	0	0
10622650000000	Kings Canyon Joint Unified	\$6,888,853	\$700	\$748	\$3,768,885	0	0
47703750000000	Klamath River Union Elementary	\$25,233	\$1,941	\$4,206	\$16,984	0	0
12629010000000	Klamath-Trinity Joint Unified	\$831,656	\$777	\$957	\$498,327	0	0
12629190000000	Kneeland Elementary	\$10,590	\$353	\$5,295	\$1,681	0	0
07617130000000	Lafayette Elementary	\$208,794	\$63	\$2,221	\$80,389	0	0
30665550000000	Laguna Beach Unified	\$380,622	\$125	\$1,317	\$198,343	0	0
27660760000000	Lagunita Elementary	\$10,988	\$111	\$1,831	\$0	0	0
17640550108340	Lake County International Charter	\$20,566	\$367	\$857	\$20,190	0	0
09619030000000	Lake Tahoe Unified	\$1,572,801	\$408	\$658	\$602,135	0	0
15635520000000	Lakeside Union	\$316,726	\$241	\$433	\$151,357	0	0
16639660000000	Lakeside Union Elementary	\$451,546	\$1,416	\$2,150	\$238,133	0	0
19647330102442	Lakeview Charter Academy	\$85,137	\$245	\$289	\$82,425	0	0
19647330122606	Lakeview Charter High	\$38,302	\$219	\$255	\$36,379	0	0
21653670000000	Larkspur-Corte Madera	\$89,450	\$66	\$716	\$36,616	0	0
18101810000000	Lassen County Office of Education	\$153,931	\$3,275	\$30,786	\$132,585	0	0
18641390000000	Lassen Union High	\$239,875	\$246	\$1,085	\$158,366	0	0
52715630000000	Lassen View Union Elementary	\$173,071	\$518	\$1,024	\$113,850	0	0
10622810000000	Laton Joint Unified	\$576,701	\$830	\$1,090	\$249,831	0	0
09619110000000	Latrobe	\$23,232	\$137	\$7,744	\$13,599	0	0
12626870124263	Laurel Tree Charter	\$404	\$4	\$9	\$0	0	0
36750440118059	LaVerne Elementary Preparatory Academy	\$1,011	\$3	\$6	\$0	0	0

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23739160000000	Laytonville Unified	\$219,276	\$548	\$902	\$148,082	0	0
24657300000000	Le Grand Union High	\$391,937	\$744	\$0	\$197,167	0	0
53717460000000	Lewiston Elementary	\$74,379	\$1,240	\$2,399	\$57,256	0	0
39685690000000	Lincoln Unified	\$3,689,374	\$411	\$757	\$1,885,971	0	0
54719930000000	Lindsay Unified	\$3,794,214	\$910	\$934	\$2,001,815	0	0
15635860000000	Linns Valley-Poso Flat Union	\$22,088	\$920	\$22,088	\$14,380	0	0
47703830000000	Little Shasta Elementary	\$7,911	\$264	\$565	\$0	0	0
12629270000000	Loleta Union Elementary	\$94,463	\$984	\$1,657	\$39,335	0	0
42692290000000	Lompoc Unified	\$4,320,593	\$461	\$781	\$2,080,106	0	0
43695180000000	Los Altos Elementary	\$347,926	\$78	\$1,955	\$96,613	0	0
43695340000000	Los Gatos-Saratoga Joint Union High	\$126,441	\$39	\$2,342	\$55,723	0	0
17640480000000	Lucerne Elementary	\$116,576	\$540	\$911	\$34,877	0	0
40687590000000	Lucia Mar Unified	\$2,879,031	\$272	\$550	\$1,247,119	0	0
13631720000000	Magnolia Union Elementary	\$11,838	\$90	\$515	\$0	0	0
39685930000000	Manteca Unified	\$7,362,781	\$316	\$563	\$3,610,800	0	0
52715890000000	Manton Joint Union Elementary	\$27,743	\$730	\$1,206	\$15,650	0	0
04614990000000	Manzanita Elementary	\$83,256	\$274	\$544	\$52,658	0	0
07617966118368	Manzanita Middle	\$1,277	\$8	\$10	\$0	0	0
12629350000000	Maple Creek Elementary	\$6,172	\$441	\$1,029	\$0	0	0
15636100000000	Maple Elementary	\$55,856	\$203	\$665	\$28,750	0	0
15636280000000	Maricopa Unified	\$165,214	\$640	\$834	\$65,589	0	0
07617390000000	Martinez Unified	\$686,768	\$166	\$665	\$307,556	0	0
12753820000000	Mattole Unified	\$134,316	\$186	\$7,901	\$23,833	0	0
47704090000000	McCloud Union Elementary	\$84,582	\$1,057	\$0	\$56,492	0	0
15739080000000	McFarland Unified	\$2,565,486	\$777	\$1,212	\$1,282,171	0	0

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37683386113211	McGill School of Success	\$70,815	\$424	\$424	\$69,342	0	0
12629500000000	McKinleyville Union Elementary	\$459,647	\$406	\$782	\$281,722	0	0
13631980000000	Meadows Union Elementary	\$299,299	\$626	\$3,086	\$97,754	0	0
23102310000000	Mendocino County Office of Education	\$408,235	\$2,459	\$2,704	\$396,407	0	0
33671160000000	Menifee Union Elementary	\$926,425	\$104	\$263	\$0	0	0
56724700000000	Mesa Union Elementary	\$84,400	\$134	\$402	\$28,705	0	0
19647330102426	Milagro Charter	\$142,342	\$499	\$0	\$84,023	0	0
38767520123505	Mission Preparatory	\$10,943	\$261	\$313	\$10,605	0	0
27660840000000	Mission Union Elementary	\$8,677	\$69	\$1,735	\$0	0	0
25735850000000	Modoc Joint Unified	\$395,421	\$466	\$937	\$252,472	0	0
10623230000000	Monroe Elementary	\$225,268	\$1,205	\$1,357	\$144,630	0	0
19647900000000	Monrovia Unified	\$2,150,117	\$360	\$619	\$1,189,653	0	0
47704170000000	Montague Elementary	\$126,951	\$769	\$1,411	\$77,846	0	0
49708210000000	Montgomery Elementary	\$8,250	\$258	\$1,179	\$0	0	0
56739400000000	Moorpark Unified	\$1,601,109	\$229	\$695	\$561,150	0	0
43695750000000	Moreland Elementary	\$1,183,015	\$269	\$756	\$378,059	0	0
36677770000000	Morongo Unified	\$4,256,065	\$481	\$763	\$2,557,372	0	0
44697730000000	Mountain Elementary	\$14,625	\$119	\$3,656	\$0	0	0
47704250000000	Mt. Shasta Union Elementary	\$256,048	\$465	\$1,099	\$170,995	0	0
13632060000000	Mulberry Elementary	\$11,184	\$123	\$447	\$0	0	0
19647336119044	Multicultural Learning Center	\$86,901	\$229	\$378	\$68,940	0	0
56725040000000	Mupu Elementary	\$14,016	\$102	\$203	\$0	0	0
28102800000000	Napa County Office of Education	\$171,943	\$1,030	\$1,653	\$164,395	0	0
37682210000000	National Elementary	\$5,226,931	\$907	\$925	\$2,052,253	0	0
36678010000000	Needles Unified	\$820,239	\$894	\$1,356	\$522,858	0	0

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31668520000000	Newcastle Elementary	\$43,721	\$80	\$503	\$17,724	0	0
21654090000000	Nicasio	\$7,266	\$182	\$0	\$0	0	0
15636930000000	Norris Elementary	\$110,225	\$29	\$0	\$0	0	0
35675040000000	North County Joint Union Elementary	\$209,576	\$283	\$0	\$91,107	0	0
45700780000000	North Cow Creek Elementary	\$33,890	\$130	\$471	\$18,733	0	0
12101240115097	Northcoast Preparatory and Performing Arts Academy	\$20,778	\$164	\$1,094	\$20,127	0	0
12626870000000	Northern Humboldt Union High	\$398,033	\$248	\$1,199	\$253,243	0	0
19648400000000	Norwalk-La Mirada Unified	\$8,716,983	\$431	\$628	\$4,749,067	0	0
21654170000000	Novato Unified	\$1,544,414	\$199	\$581	\$559,579	0	0
19647330120055	Nueva Esperanza Charter Academy	\$83,787	\$255	\$291	\$80,812	0	0
56738740000000	Oak Park Unified	\$227,456	\$54	\$1,166	\$105,685	0	0
01612590100065	Oakland Unity High	\$88,179	\$350	\$441	\$86,170	0	0
27659616119663	Oasis Charter Public	\$22,491	\$90	\$1,250	\$21,320	0	0
30666703030723	OCHSA	\$39,138	\$22	\$349	\$27,612	0	0
37683386061964	O'Farrell Community Center for Advanced Academy	\$397,034	\$433	\$433	\$304,760	0	0
56725200000000	Ojai Unified	\$877,306	\$306	\$750	\$415,769	0	0
36678190000000	Ontario-Montclair Elementary	\$18,206,753	\$807	\$949	\$8,486,923	0	0
42692600000000	Orcutt Union Elementary	\$779,882	\$156	\$374	\$286,119	0	0
12629680000000	Orick Elementary	\$40,565	\$2,386	\$2,704	\$19,973	0	0
07617700000000	Orinda Union Elementary	\$69,702	\$29	\$2,681	\$0	0	0
11754810000000	Orland Joint Unified	\$1,052,529	\$480	\$673	\$517,795	0	0
23655576116669	Pacific Community Charter	\$1,448	\$16	\$56	\$0	0	0
44697810000000	Pacific Elementary	\$16,842	\$153	\$344	\$0	0	0

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12629760000000	Pacific Union Elementary	\$154,243	\$301	\$584	\$91,235	0	0
12629271230150	Pacific View Charter	\$64,042	\$421	\$720	\$62,329	0	0
04615230000000	Palermo Union Elementary	\$777,559	\$595	\$720	\$473,105	0	0
33671730000000	Palm Springs Unified	\$12,587,170	\$533	\$684	\$6,168,748	0	0
43696410000000	Palo Alto Unified	\$1,095,137	\$90	\$1,052	\$266,211	0	0
19648650000000	Palos Verdes Peninsula Unified	\$1,051,591	\$89	\$3,349	\$312,744	0	0
15633620000000	Panama-Buena Vista Union	\$3,901,924	\$232	\$397	\$1,919,953	0	0
04615310000000	Paradise Unified	\$1,754,171	\$424	\$733	\$1,176,697	0	0
40754570000000	Paso Robles Joint Unified	\$2,369,264	\$350	\$730	\$1,142,664	0	0
12629840000000	Peninsula Union	\$33,193	\$851	\$897	\$19,092	0	0
01612750000000	Piedmont City Unified	\$113,402	\$44	\$0	\$35,427	0	0
04733790000000	Pioneer Union Elementary	\$95,021	\$1,558	\$1,728	\$58,607	0	0
16639900000000	Pioneer Union Elementary	\$102,132	\$65	\$220	\$78,493	0	0
54720410000000	Pixley Union Elementary	\$915,165	\$815	\$863	\$389,630	0	0
09619520000000	Placerville Union Elementary	\$558,946	\$437	\$783	\$320,380	0	0
29663730000000	Pleasant Ridge Union Elementary	\$239,436	\$163	\$696	\$125,723	0	0
29663810000000	Pleasant Valley Elementary	\$79,254	\$167	\$445	\$45,474	0	0
15637190000000	Pond Union Elementary	\$248,594	\$1,067	\$1,115	\$153,401	0	0
28662820000000	Pope Valley Union Elementary	\$30,448	\$441	\$725	\$18,133	0	0
23738660000000	Potter Valley Community Unified	\$132,487	\$510	\$679	\$73,981	0	0
11626460000000	Princeton Joint Unified	\$92,274	\$446	\$599	\$40,887	0	0
18641620000000	Ravendale-Termo Elementary	\$7,163	\$114	\$2,388	\$0	0	0
20652760000000	Raymond-Knowles Union Elementary	\$52,123	\$724	\$1,579	\$33,542	0	0
29663990000000	Ready Springs Union Elementary	\$128,404	\$494	\$683	\$84,599	0	0
52716390000000	Red Bluff Joint Union High	\$762,319	\$445	\$1,059	\$493,219	0	0

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52716210000000	Red Bluff Union Elementary	\$1,074,008	\$502	\$665	\$591,102	0	0
36678430000000	Redlands Unified	\$5,818,053	\$274	\$575	\$3,138,548	0	0
23656152330413	Redwood Academy of Ukiah	\$35,517	\$238	\$530	\$30,187	0	0
12768020124164	Redwood Preparatory Charter	\$0	\$0	\$0	\$0	0	0
36678500000000	Rialto Unified	\$15,153,724	\$566	\$722	\$7,861,056	0	0
52716540000000	Richfield Elementary	\$90,471	\$392	\$773	\$47,926	0	0
15756301530500	Ridgecrest Charter	\$22,268	\$67	\$11,134	\$18,461	0	0
49708960000000	Rincon Valley Union Elementary	\$531,060	\$158	\$461	\$263,884	0	0
12630080000000	Rio Dell Elementary	\$243,060	\$732	\$81,020	\$153,996	0	0
39686500000000	Ripon Unified	\$653,666	\$212	\$513	\$288,601	0	0
56105610122713	River Oaks Academy	\$0	\$0	\$0	\$0	0	0
33672150000000	Riverside Unified	\$17,722,588	\$419	\$642	\$9,955,216	0	0
34674210000000	Robla Elementary	\$1,561,388	\$760	\$888	\$702,010	0	0
31750850000000	Rocklin Unified	\$912,902	\$82	\$395	\$398,373	0	0
31669100000000	Roseville City Elementary	\$1,470,214	\$149	\$458	\$479,397	0	0
23656070000000	Round Valley Unified	\$336,857	\$971	\$1,158	\$194,510	0	0
19734520000000	Rowland Unified	\$9,064,703	\$586	\$992	\$4,674,350	0	0
27661670000000	San Antonio Union Elementary	\$69,488	\$388	\$869	\$50,970	0	0
35103550000000	San Benito County Office of Education	\$77,976	\$729	\$77,976	\$68,366	0	0
36103630000000	San Bernardino County Office of Education	\$1,916,536	\$667	\$1,260	\$1,760,812	0	0
37683386119168	San Diego Cooperative Charter	\$28,480	\$62	\$243	\$26,968	0	0
37683380000000	San Diego Unified	\$77,060,272	\$674	\$1,083	\$43,513,306	0	0
38103890000000	San Francisco County Office of Education	\$744,450	\$1,228	\$2,931	\$702,170	0	0



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38684780000000	San Francisco Unified	\$29,152,456	\$552	\$921	\$13,900,549	0	0
43696660000000	San Jose Unified	\$11,842,061	\$360	\$790	\$5,161,691	0	0
44698070000000	San Lorenzo Valley Unified	\$426,107	\$167	\$910	\$244,865	0	0
27661830000000	San Lucas Union Elementary	\$275,664	\$4,241	\$4,307	\$235,463	0	0
40688090000000	San Luis Coastal Unified	\$1,601,848	\$222	\$619	\$674,239	0	0
37737910000000	San Marcos Unified	\$4,523,629	\$238	\$532	\$1,676,948	0	0
19649640000000	San Marino Unified	\$383,346	\$123	\$0	\$177,304	0	0
40688250000000	San Miguel Joint Union	\$200,261	\$328	\$564	\$65,278	0	0
07618040000000	San Ramon Valley Unified	\$1,604,049	\$54	\$2,067	\$505,301	0	0
42104210000000	Santa Barbara County Office of Education	\$486,408	\$703	\$993	\$390,065	0	0
42767860000000	Santa Barbara Unified	\$5,693,003	\$396	\$792	\$2,215,888	0	0
56725790000000	Santa Clara Elementary	\$6,388	\$118	\$1,278	\$0	0	0
43696740000000	Santa Clara Unified	\$4,316,981	\$282	\$681	\$1,105,323	0	0
42691200000000	Santa Maria-Bonita	\$9,501,487	\$650	\$745	\$3,342,892	0	0
56725950000000	Santa Paula Union High	\$697,689	\$438	\$577	\$297,043	0	0
19647330119974	Santa Rosa Charter Academy	\$67,040	\$235	\$290	\$64,690	0	0
42693280000000	Santa Ynez Valley Union High	\$138,253	\$133	\$528	\$67,089	0	0
34765050114272	SAVA: Sacramento Academic and Vocational Academy	\$165,584	\$220	\$256	\$161,960	0	0
30666960000000	Savanna Elementary	\$1,138,133	\$482	\$731	\$383,826	0	0
37764710000000	SBC - High Tech High	\$142,047	\$71,024	\$0	\$133,072	0	0
12630240000000	Scotia Union Elementary	\$67,354	\$288	\$8,419	\$39,176	0	0
13632220000000	Seeley Union Elementary	\$331,236	\$865	\$1,170	\$133,308	0	0
47704580000000	Seiad Elementary	\$7,613	\$238	\$3,807	\$0	0	0
15637680000000	Semitropic Elementary	\$101,738	\$452	\$606	\$22,698	0	0

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18641880000000	Shaffer Union Elementary	\$77,972	\$339	\$4,332	\$40,415	0	0
40688330000000	Shandon Joint Unified	\$185,148	\$609	\$865	\$91,902	0	0
45104540000000	Shasta County Office of Education	\$657,441	\$2,509	\$3,320	\$644,020	0	0
20652430100016	Sherman Thomas Charter	\$1,195	\$6	\$10	\$0	0	0
20652430118950	Sherman Thomas Charter High	\$242	\$5	\$10	\$0	0	0
21733610000000	Shoreline Unified	\$248,940	\$424	\$877	\$68,150	0	0
10621660114355	Sierra Charter	\$171,817	\$261	\$369	\$167,222	0	0
29102980114975	Sierra Montessori Academy	\$291	\$3	\$8	\$0	0	0
10752750000000	Sierra Unified	\$505,869	\$340	\$751	\$332,936	0	0
47104700000000	Siskiyou County Office of Education	\$47,989	\$372	\$631	\$41,846	0	0
47704660000000	Siskiyou Union High	\$189,962	\$305	\$788	\$119,605	0	0
34674390101295	Sol Aureus College Preparatory	\$37,510	\$212	\$282	\$36,433	0	0
42693360000000	Solvang Elementary	\$156,599	\$261	\$567	\$37,897	0	0
56726110000000	Somis Union	\$167,189	\$661	\$1,177	\$89,187	0	0
49709536111678	Sonoma Charter	\$17,504	\$75	\$330	\$13,763	0	0
55723890000000	Sonora Union High	\$379,979	\$303	\$763	\$269,600	0	0
12630320000000	South Bay Union Elementary	\$296,235	\$591	\$932	\$188,608	0	0
41690700000000	South San Francisco Unified	\$2,653,464	\$284	\$673	\$823,392	0	0
12630400000000	Southern Humboldt Joint Unified	\$531,038	\$685	\$1,467	\$325,176	0	0
53738330000000	Southern Trinity Joint Unified	\$89,413	\$758	\$903	\$61,292	0	0
35675530000000	Southside Elementary	\$22,204	\$0	\$0	\$0	0	0
27662250000000	Spreckels Union Elementary	\$93,942	\$96	\$610	\$30,385	0	0
50712820000000	Stanislaus Union Elementary	\$1,666,212	\$535	\$965	\$835,695	0	0
54721570000000	Strathmore Union Elementary	\$681,769	\$815	\$858	\$324,062	0	0
55724130000000	Summerville Union High	\$92,097	\$125	\$0	\$48,776	0	0
41690620112722	Summit Preparatory Charter High	\$40,022	\$94	\$243	\$38,142	0	0

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54721730000000	Sundale Union Elementary	\$244,234	\$304	\$706	\$106,633	0	0
50712900000000	Sylvan Union Elementary	\$2,055,746	\$252	\$505	\$899,277	0	0
21654820000000	Tamalpais Union High	\$356,302	\$93	\$921	\$179,774	0	0
15638260000000	Tehachapi Unified	\$1,247,548	\$278	\$748	\$643,256	0	0
04615490000000	Thermalito Union Elementary	\$2,331,388	\$1,788	\$2,061	\$1,538,693	0	0
54722150000000	Tipton Elementary	\$407,545	\$650	\$825	\$127,602	0	0
39754990000000	Tracy Joint Unified	\$4,879,247	\$302	\$620	\$1,789,746	0	0
35675610000000	Tres Pinos Union Elementary	\$11,693	\$87	\$5,847	\$0	0	0
12630570000000	Trinidad Union Elementary	\$102,184	\$577	\$1,246	\$46,821	0	0
53765130000000	Trinity Alps Unified	\$257,326	\$332	\$608	\$170,679	0	0
53717610000000	Trinity Center Elementary	\$6,720	\$395	\$1,680	\$0	0	0
53105380000000	Trinity County Office of Education	\$32,871	\$1,264	\$32,871	\$26,901	0	0
19647330112193	Triumph Academy	\$102,528	\$303	\$327	\$100,149	0	0
19647330122598	Triumph Charter High	\$30,548	\$177	\$217	\$28,839	0	0
54722310000000	Tulare City	\$5,481,992	\$590	\$798	\$2,724,999	0	0
55105530000000	Tuolumne County Superintendent of Schools	\$820	\$8	\$39	\$0	0	0
55724210000000	Twain Harte-Long Barn Union Elementary	\$158,301	\$498	\$983	\$96,613	0	0
23656150000000	Ukiah Unified	\$3,236,426	\$577	\$920	\$1,786,413	0	0
19647330125864	USC Hybrid High	\$0	\$0	\$0	\$0	0	0
19650780000000	Valle Lindo Elementary	\$399,162	\$338	\$409	\$177,653	0	0
37684370000000	Vallecitos Elementary	\$172,533	\$788	\$86,267	\$84,535	0	0
50105045030234	Valley Charter High	\$16,183	\$71	\$193	\$15,158	0	0
39103973930476	Venture Academy	\$6,249	\$6	\$9	\$0	0	0
36679180000000	Victor Elementary	\$4,679,199	\$406	\$531	\$2,576,808	0	0

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37684520000000	Vista Unified	\$10,703,517	\$477	\$819	\$5,375,138	0	0
10767780000000	Washington Unified	\$3,229,404	\$1,271	\$1,616	\$1,800,130	0	0
57726940000000	Washington Unified	\$3,920,807	\$535	\$900	\$1,935,114	0	0
27662330000000	Washington Union Elementary	\$65,858	\$68	\$32,929	\$36,777	0	0
24658620000000	Weaver Union	\$1,509,305	\$589	\$658	\$642,395	0	0
47704820000000	Weed Union Elementary	\$232,608	\$825	\$1,314	\$133,545	0	0
57726940115329	West Sacramento Early College Prep Charter	\$1,247	\$7	\$9	\$0	0	0
31669510000000	Western Placer Unified	\$1,056,752	\$161	\$473	\$478,582	0	0
30667460000000	Westminster Elementary	\$6,306,521	\$654	\$904	\$2,427,807	0	0
58727510000000	Wheatland	\$349,807	\$277	\$670	\$197,593	0	0
58727690000000	Wheatland Union High	\$102,881	\$138	\$525	\$68,007	0	0
45701690000000	Whitmore Union Elementary	\$28,161	\$1,173	\$4,694	\$17,604	0	0
19651360000000	William S. Hart Union High	\$2,669,639	\$116	\$670	\$1,115,075	0	0
47704900000000	Willow Creek Elementary	\$10,712	\$219	\$315	\$0	0	0
35675790000000	Willow Grove Union Elementary	\$6,840	\$684	\$0	\$0	0	0
11626610000000	Willows Unified	\$1,047,331	\$695	\$1,068	\$580,306	0	0
19651510000000	Wilsona Elementary	\$999,771	\$699	\$699	\$530,751	0	0
57727020000000	Winters Joint Unified	\$677,070	\$421	\$622	\$166,301	0	0
19651690000000	Wiseburn Elementary	\$390,476	\$153	\$351	\$125,837	0	0
41690880000000	Woodside Elementary	\$26,714	\$60	\$636	\$7,323	0	0
34674390121665	Yav Pem Suab Academy - Preparing for the Future Charter	\$77,876	\$224	\$294	\$75,375	0	0
20764140000000	Yosemite Unified	\$398,240	\$211	\$497	\$227,038	0	0
47705080000000	Yreka Union Elementary	\$464,669	\$458	\$709	\$313,698	0	0
47705160000000	Yreka Union High	\$300,619	\$433	\$1,040	\$211,478	0	0

CDS Code	Local Educational Agency Name	Total 2011–12 ConApp Entitlement	2011–12 Total Entitlement Per Student	Total 2011– 12 Title I Entitlement	2011–12 Entitlement Per Free and Reduced Lunch Student	2011–12* Percent At or Above Proficiency - Language Arts	2011–12* Percent At or Above Proficiency - Math
58105870000000	Yuba County Office of Education	\$142,200	\$243	\$312	\$109,099	0	0

\* The 2011–12 targets for elementary and middle schools are 67.6 percent for Language Arts and 68.5 percent for Math. The 2011–12 targets for high schools are 66.7 percent for Language Arts and 66.1 percent for Math.

Total Number of LEAs in the report: 432

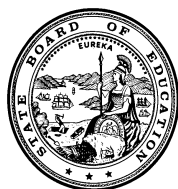
Total ConApp entitlement funds for districts receiving regular approval: \$639,831.273



# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

## **ITEM 17**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### SUBJECT

Assignment of Numbers for Charter School Petitions.

- ☒ Action
- ☒ Information
- ☐ Public Hearing

#### SUMMARY OF THE ISSUE(S)

The State Board of Education (SBE) is responsible for assigning a number to each approved charter petition. The California Department of Education (CDE) staff presents this routine request for assignment of charter numbers as a standard action item.

#### RECOMMENDATION

The CDE recommends that the SBE assign charter numbers to the charter schools identified on the attached list.

#### BRIEF HISTORY OF KEY ISSUES

Since the charter school law was enacted in 1992, the SBE has assigned numbers to 1,450 charter schools, including some approved by the SBE after denial by local educational agencies. Separate from that numbering system, 8 all-charter districts which currently serve a total of 18 school sites, have been jointly approved by the State Superintendent of Public Instruction and the SBE.

California *Education Code (EC)* Section 47602 requires the SBE to assign a number to each charter school that has been approved by a local entity in the chronological order in which it was received. This numbering ensures that the state stays within a statutory cap on the total number of charter schools authorized to operate. The statutory cap for fiscal year 2012–13 is 1,650. The statutory cap is not subject to waiver.

The charter schools listed in Attachment 1 were recently approved by local boards of education as noted. Copies of the charter petitions are on file in the Charter Schools Division.

## **SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

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The SBE is responsible for assigning a number to each approved charter petition. CDE staff presents this routine request for assignment of charter numbers as a standard action item.

## **FISCAL ANALYSIS (AS APPROPRIATE)**

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There is no fiscal impact to the state resulting from the assignment of numbers to recently authorized charter schools.

## **ATTACHMENT(S)**

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Attachment 1: Assignment of Numbers for Charter School Petitions (4 Pages)



## Assignment of Numbers for Charter School Petitions

Number	Charter Name	County	Authorizing Entity	Charter School Contact
1451	Academy of Arts and Sciences: El Cajon Elementary School (K-5)	San Diego	Mountain Empire Unified	Mark Holley 4560 Alvarado Canyon Rd. San Diego, CA 92120
1452	Academy of Arts and Sciences: Del Mar Elementary (K-5)	San Diego	Mountain Empire Unified	Leslie Clifton 13885 El Camino Real San Diego, CA 92130
1453	Academy of Arts and Sciences: El Cajon Middle and High School (6-12)	San Diego	Mountain Empire Unified	Mark Holley 4560 Alvarado Canyon Rd. San Diego, CA 92120
1454	Academy of Arts and Sciences: Del Mar Middle and High School (6-12)	San Diego	Mountain Empire Unified	Leslie Clifton 13885 El Camino Real San Diego, CA 92130
1455	Academy of Arts and Sciences: Thousand Oaks and Simi Valley	Ventura	Mupu Elementary	Sean McManus 947 Thousand Oaks Blvd. Thousand Oaks, CA 91319
1456	Academy of Arts and Sciences: Oxnard and Ventura	Ventura	Mupu Elementary	Sean McManus 947 Thousand Oaks Blvd. Thousand Oaks, CA 91319
1457	Academy of Arts and Sciences: Sonoma	Sonoma	Cotati-Rohnert Park Unified	Sean McManus 7165 Burton Ave. Rohnert Park, CA 94928
1458	Assurance Learning Academy	Los Angeles	Acton-Agua Dulce Unified	Skip Hansen 42455 Tenth St. West. Ste. 105 Lancaster, CA 93534
1459	Apex Academy	Los Angeles	Los Angeles Unified	Cesar Lopez 1309 North Wilton Pl. Los Angeles, CA 90028
1460	Alliance College Ready Academy High School #20	Los Angeles	Los Angeles Unified	Judy Burton 1940 South Figueroa St. Los Angeles, CA 90007

Number	Charter Name	County	Authorizing Entity	Charter School Contact
1461	Celerity Exa Charter School	Los Angeles	Los Angeles Unified	Vielka McFarlane 2069 West Slauson Ave. Los Angeles, CA 90047
1462	River Islands Technology Academy	San Joaquin	Banta Elementary	Brenda L. School 100 Commercial St. Lathrop, CA 95300
1463	Opportunities For Learning – Fresno	Fresno	Westside Elementary	Bill Toomey 320 North Halstead St., Ste. 220 Pasadena, CA 91007
1464	Lazear Charter Academy	Alameda	Alameda County Office of Education	Andy West 824 29 <sup>th</sup> Ave. Oakland, CA 94601
1465	Nestle Avenue Charter School	Los Angeles	Los Angeles Unified	Ibia Gomez 5060 Nestle Ave. Tarzana, CA 91356
1466	El Oro Way Charter for Enriched Studies	Los Angeles	Los Angeles Unified	SooJoon Choi 12230 El Oro Way Granada Hills, CA 91344
1467	Germain Academy for Academic Achievement	Los Angeles	Los Angeles Unified	Sonia Ugarte 20730 Germain St. Chatsworth, CA 91311
1468	Hesby Oaks Leadership Charter School	Los Angeles	Los Angeles Unified	David Hirsch 15528 Otsego St. Encino, CA 91436
1469	Dixie Canyon Community Charter School	Los Angeles	Los Angeles Unified	Lea Moché 4220 Dixie Canyon Ave. Sherman Oaks, CA 91423
1470	Haynes Charter School for Enriched Studies	Los Angeles	Los Angeles Unified	Barbara Meade 6624 Lockhurst Dr. West Hills, CA 91307
1471	Encino Charter Elementary	Los Angeles	Los Angeles Unified	Marcia Koff 16941 Addison St. Encino, CA 91316
1472	Hamlin Charter Academy	Los Angeles	Los Angeles Unified	Bette Kaplan 22627 Hamlin St. West Hills, CA 91307
1473	Robert A. Millikan Charter School	Los Angeles	Los Angeles Unified	John Plevack 5014 Sunnyslope Sherman Oaks, CA 91423

Number	Charter Name	County	Authorizing Entity	Charter School Contact
1474	Enadia Technology Enriched Charter	Los Angeles	Los Angeles Unified	Vivian Cordoba 22944 Enadia Way West Hills, CA 91307
1475	Topeka Charter School for Advanced Studies	Los Angeles	Los Angeles Unified	Temika Dixon 9815 Topeka Dr. Northridge, CA 91324
1476	Superior Street Elementary School	Los Angeles	Los Angeles Unified	Jerilyn Schubert 9756 Oso Ave. Chatsworth, CA 91311
1477	Castlebay Lane Charter	Los Angeles	Los Angeles Unified	Sarah Jung 19010 Castlebay Lane Northridge, CA 91326
1478	Lockhurst Drive Charter Elementary	Los Angeles	Los Angeles Unified	Aleta Johnson 6270 Lockhurst Dr. Woodland Hills, CA 91367
1479	Van Gogh Charter School	Los Angeles	Los Angeles Unified	Susan Gundersen 17160 Van Gogh St. Granada Hills, CA 91344
1480	Alfred B. Nobel Charter Middle	Los Angeles	Los Angeles Unified	Derek Horowitz 9950 Tampa Ave. Northridge, CA 91324
1481	Dearborn Elementary Charter Academy	Los Angeles	Los Angeles Unified	Debra Hirsch 9240 Wish Ave. Northridge, CA 91325
1482	Wilbur Charter for Enriched Academics	Los Angeles	Los Angeles Unified	Deborah Plat 5213 Crebs Ave. Tarzana, CA 91356
1483	Woodlake Elementary Charter School	Los Angeles	Los Angeles Unified	Dana Priskorn 23231 Hateras St. Woodland Hills, CA 91367
1484	Serrania Avenue Charter School for Enriched Studies	Los Angeles	Los Angeles Unified	Robin Toder 5014 Serrania Ave. Woodland Hills, CA 91364
1485	Woodland Hills Elementary Charter for Enriched Studies	Los Angeles	Los Angeles Unified	Antoinette Brusca 22201 San Miguel St. Woodland Hills, CA 91364
1486	Knollwood Preparatory Academy	Los Angeles	Los Angeles Unified	Barbara Teller Cohen 11822 Gerard Ave. Granada Hills, CA 91344

Number	Charter Name	County	Authorizing Entity	Charter School Contact
1487	Justice Street Academy Charter School	Los Angeles	Los Angeles Unified	Jill Frieze 23350 Justice St. West Hills, CA 91304
1488	The Heights Charter	San Diego	Dehesa Elementary	Diana Whyte 3095 Honey Hill Ranch Rd., Ste. 3 Alpine, CA 91901
1489	California Virtual Academy at San Joaquin	San Joaquin	New Jerusalem Elementary	Katrina Abston 2360 Shasta Way, Ste A Simi Valley, CA 93065
1490	California Virtual Academy at Maricopa	Kern	Maricopa Unified	Katrina Abston 2360 Shasta Way, Ste A Simi Valley, CA 93065
1491	California Virtual Academy High School at Maricopa	Kern	Maricopa Unified	Katrina Abston 2360 Shasta Way, Ste A Simi Valley, CA 93065
1492	California Virtual Academy at Fresno	Fresno	Orange Center	Katrina Abston 2360 Shasta Way, Ste A Simi Valley, CA 93065
1493	Highland Academy Charter School	Riverside	Beaumont Unified	Brent Bishop 34194 O'Grady Ct. Beaumont, CA 92223
1494	Community Montessori Charter School	San Diego	Dehesa Elementary	Terri Novacek 1441 Montiel Rd., Ste. 143 Escondido, CA 92026